

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

= = = = =

IN THE MATTER OF THE APPLICATION HP14-002  
OF DAKOTA ACCESS, LLC FOR AN  
ENERGY FACILITY PERMIT TO CONSTRUCT  
THE DAKOTA ACCESS PIPELINE

= = = = =

Transcript of Proceedings  
November 30, 2015

= = = = =

BEFORE THE PUBLIC UTILITIES COMMISSION  
  
CHRIS NELSON, CHAIRMAN  
GARY HANSON, COMMISSIONER  
RICHARD SATTGAST, ACTING COMMISSIONER

COMMISSION STAFF

- Rolayne Ailts Wiest
- Kristen Edwards
- Karen Cremer
- Adam de Hueck
- Greg Rislov
- Brian Rounds
- Darren Kearney
- Katlyn Gustafson

Reported By Cheri McComsey Wittler, RPR, CRR

1           CHAIRMAN NELSON: My name is Chairman Chris  
2 Nelson. I have with me Commissioner Hanson and Acting  
3 Commissioner Sattgast.

4           We have one item of business today, and that is  
5 in HP14-002 In the Matter of the Application of Dakota  
6 Access LLC for an Energy Facility Permit to Construct the  
7 Dakota Access Pipeline.

8           Questions to be resolved today are shall the  
9 Commission grant, deny, or grant with conditions a permit  
10 to Dakota Access for construction of the pipeline  
11 pursuant to SDCL 49-41B-24? And shall the Commission  
12 grant the Joint Motion regarding stipulated facts of  
13 Findings of Fact, Conditions, and Exhibits as requested  
14 by the City of Sioux Falls and Dakota Access? Or how  
15 shall the Commission proceed?

16           For the benefit of my fellow Commissioners how I  
17 thought we would proceed at this point, we have received  
18 two rounds of briefing from all of the parties. I want  
19 to say thank you to all of the parties for that. That  
20 was very helpful to us.

21           So my anticipation is that at this point the  
22 Commissioners would ask any clarifying or follow-up  
23 questions from that briefing or any issues that may be  
24 outstanding in our minds, and then we would move to open  
25 the floor for motions.

1 Does that make sense?

2 Okay. With that, questions from the Commission.

3 COMMISSIONER HANSON: If I may, Mr. Chairman, I  
4 have one of Mr. Kearney.

5 I appreciate the work that you did in figuring  
6 out what the bonding would be, what you proposed that the  
7 bonding would be.

8 Forgive me. I was trying to find in the  
9 XL Pipeline how many spreads that they had. And Dakota  
10 Access stated that they will have three spreads.

11 Did you take that into consideration? I was  
12 thinking that XL was only going to have two. Was I  
13 mistaken, or do you remember?

14 MR. KEARNEY: Well, I didn't factor in the  
15 number of spreads. I just went off the methodology that  
16 they used, and that was based on the estimated  
17 construction costs in the state. So I don't think that  
18 the estimated number of construction spreads factored  
19 into the bonds in Keystone XL, TransCanada I, or what  
20 staff factored in for our proposed bond --

21 COMMISSIONER HANSON: Thank you. So you don't  
22 believe that the number of spreads that are being done  
23 simultaneously should be concerning? It's taken care of?

24 I don't mean to speak for you, but it sounds  
25 like you're saying that based upon the cost of the

1 project should factor in the number of spreads anyway.

2 MR. KEARNEY: Correct. That would be my  
3 understanding.

4 COMMISSIONER HANSON: Thank you, Mr. Kearney.  
5 Thank you.

6 CHAIRMAN NELSON: Additional questions?

7 I do have several. The first question I've got  
8 is for Ms. Baker or Ms. Real Bird on behalf of the  
9 Yankton Sioux Tribe.

10 I need to burrow into -- just a little bit  
11 further into your claim of the aboriginal tribal rights  
12 of the Yankton Sioux Tribe, particularly the concern or  
13 the claim of the right to gather plants from within your  
14 aboriginal territory.

15 And so am I understanding your argument  
16 correctly that the Yankton Sioux Tribe has an absolute  
17 right within their aboriginal territory to gather plants  
18 on private property? Is that correct?

19 MR. REAL BIRD: If you'll just bear with us a  
20 second, Mr. Chairman, we're going to pull up our Brief  
21 really quickly.

22 CHAIRMAN NELSON: Certainly.

23 MS. REAL BIRD: Thank you.

24 MS. BAKER: Thank you, Commissioner, Chairman.

25 While there's not an absolute right on private lands for

1 such aboriginal rights and gathering, there is a history  
2 that continues of tribal members working cooperatively  
3 with landowners, having amicable relationships, and  
4 exercising those rights on their property to maintain  
5 cultural practices and traditions.

6 CHAIRMAN NELSON: I appreciate that response.  
7 Really that would be no different than myself as a  
8 nontribal member if I saw some particular plant or flower  
9 on somebody else's property, I could ask them for  
10 permission to gather that; correct?

11 MS. BAKER: I understand what you're saying, but  
12 it is still tied to that aboriginal right and that  
13 aboriginal land claim.

14 And landowners don't generally allow the public  
15 to access their land and utilize their resources in such  
16 a way, but because of tribal members' attachments to  
17 land, historical ties and ancestral ties, they are able  
18 to establish those relationships and exercise those  
19 rights.

20 CHAIRMAN NELSON: And you've expressed in your  
21 Brief considerable concern about the fact that the  
22 pipeline would prevent tribal members from gathering  
23 plants apparently as they have in the past.

24 And so share with me exactly on the proposed  
25 pipeline route where tribal members currently have

1 permission to gather plants.

2 MS. BAKER: I believe Faith Spotted Eagle did  
3 testify to this and spoke that it's all along the  
4 James River where it's crossed there.

5 There may have been another crossing as well.  
6 But particularly the James River.

7 CHAIRMAN NELSON: Thank you.

8 The next question I have is for Mr. Boomsma.  
9 And I don't see Mr. Boomsma.

10 Mr. Boomsma, are you on the telephone or anyone  
11 representing the Stofferahn family?

12 Apparently that question will go unanswered.

13 Certainly questions for Dakota Access, whoever  
14 wants to -- and these are to clear up some loose ends.

15 The first question deals with an e-mail that we  
16 received, and I think this would have been under the  
17 form of commentary to the Commission from a  
18 Linda Dansman-Nichols. The e-mail was dated October 9.  
19 She's claiming to be a landowner in Minnehaha County,  
20 claims that the proposed pipeline route is within  
21 300 feet of her home but that she was never given the  
22 proper notification.

23 She indicated she had talked to Ms. Edwards  
24 about this, and what I need to know is has anybody  
25 clarified whether her claim is accurate or not or where

1 this situation resides?

2 And, Ms. Edwards, if you can cast any light on  
3 it, I just need to know whether she's received proper  
4 notice or not.

5 MS. EDWARDS: This is Kristen Edwards for staff.  
6 Deb Gregg has made several contacts with  
7 Ms. Dansman-Nichols since the Commission hearing mostly  
8 because one of the other witnesses named her as somebody  
9 staff hadn't called back. And she assured Deb Gregg that  
10 she did receive a phone call back from staff. And, in  
11 fact, it wasn't the PUC that she was concerned with not  
12 receiving contact back from. So I'd like to just clarify  
13 that.

14 We have spoken a lot to her and have determined  
15 that she does own land within I'd say about 300 feet of  
16 the pipeline. She owns the acreage. Her father owns the  
17 farmland. Her father was given notice. I'm not sure  
18 that she was. But she was aware of the hearing and  
19 couldn't go because she had a prior commitment that  
20 night.

21 CHAIRMAN NELSON: So I'm going to ask  
22 Mr. Koenecke representing DAPL, is it correct that she,  
23 in fact, did not receive the proper legal notice?

24 MR. KOENECKE: I wouldn't say that it's not  
25 correct that she didn't receive the proper legal notice,

1 but that's a bigger question with a longer answer so  
2 let's dive into that. We're good with that.

3 We've determined that Linda Nichols' name was  
4 not on the list, and we did not send service out to her  
5 last December. She is the owner of an inholding or an  
6 acreage, I believe Ms. Edwards put it, within a quarter  
7 section or a parcel that belongs to her father  
8 Henry Dansman. He did get notice.

9 We have a long history of contacts with both the  
10 father and the daughter dating to before the  
11 application's filing and afterwards. But she was not on  
12 the list, and we did not mail her. That is accurate. We  
13 did not determine that until well into the process.

14 I can't give you as I sit here an actual month  
15 or date in time, but it was well after the January  
16 hearings when this was brought to light.

17 And so it was well prior to, if I recall  
18 correctly, the September hearings. So there is a -- I  
19 think the question then becomes what's the effect of  
20 that. I think that's where Commissioner Nelson is going  
21 with this.

22 I don't view it as being jurisdictional. If it  
23 was jurisdictional that we have everybody served, we  
24 would send the sheriff out to serve people with notice of  
25 the proceedings, of the Commission's proceedings.



1           We don't send notice to all of the landowners  
2 who might be named on a particular parcel. We had the  
3 statute changed, the Commission did some years back, to  
4 provide that we send it to the taxpayer of record. And  
5 so that's the first name listed on the parcel.

6           I don't know as I sit here whether Mrs. Nichols  
7 is the first name or what have you on the inholding  
8 regardless of the fact nothing was sent to that address.

9           But I don't think you can view the notion that  
10 we send out notice to everybody within a half-mile and we  
11 publish and the Commission publishes as being anything  
12 more than a requirement that we get out to affected  
13 people in a substantial fashion.

14           We didn't try to skip Mrs. Nichols. I want to  
15 make that, you know, abundantly clear. We did send out  
16 more than 2,000 pieces of mail on this. There's a lot of  
17 mail that goes out on these things.

18           And so in closing I would just want -- it would  
19 not be our position that it's jurisdictional, that  
20 somehow it voids the process. She had actual notice of  
21 the proceedings. She didn't get the single piece of  
22 notice to which she was entitled under state law, but she  
23 did have actual notice in my view from my conversation  
24 with her and from my conversations with other people who  
25 have spoken with her.

1           It's unfortunate. We shouldn't have mistakes  
2 like that. I don't want to whitewash at all. We tried  
3 very hard to send out the notices that were required.  
4 But when you look at it, we do publish. And if  
5 publishing was not enough in the legislature's view,  
6 we -- if mailing wasn't enough, we also publish.

7           There's no requirement that people pick up the  
8 mail, for example. They don't have to do that, and in a  
9 lot of cases they don't. We get a lot of cards back  
10 every time we have a siting filing that people just don't  
11 bother to pick it up. And that's why in, say, civil  
12 jurisdiction in the courts somebody's served and you get  
13 a return of service back from the sheriff's deputy  
14 saying I served Commissioner Nelson at his residence at  
15 7:12 p.m. by leaving it with him, and I identified it.

16           So there are different nuances, I should say, to  
17 the manner in which we get notice out of these  
18 proceedings. And I think they were substantially  
19 followed, and we regret that we have apparently one  
20 person who did not get the notice.

21           CHAIRMAN NELSON: Thank you. I appreciate your  
22 taking the time to explain that.

23           Obviously, my concern, and I'm guessing my  
24 fellow Commissioners share this, is making sure the  
25 rights of landowners in South Dakota are protected

1 through this process.

2 So, Ms. Edwards, do you agree with the  
3 contention that missing one mailing out of perhaps 2,000  
4 would not be fatal to this process?

5 MS. EDWARDS: I absolutely do. And the  
6 reasoning is there's redundancy built into the statute  
7 for that reason. I know Leah Mohr downstairs worked  
8 very, very hard to get notice in every paper as required  
9 by statute. The company put notice in. And my opinion  
10 would be the redundancy is for that reason.

11 Because when you have over 2,000 landowners you  
12 need to be careful, and you need to make sure everybody  
13 has notice. And we have discussed it with  
14 Ms. Dansman-Nichols, and she did have constructive  
15 notice.

16 She knew about the public hearing, and she was  
17 unable to attend unfortunately. But like everyone else,  
18 she's able to submit her comments at any time if she  
19 missed that meeting.

20 CHAIRMAN NELSON: Thank you. I appreciate that  
21 response.

22 The next issue I'd like to follow up on is an  
23 e-mail we received again through commentary on October 27  
24 from John Wellnitz. Apparently the pipeline is scheduled  
25 to cross his property, and he's alleging that one of the

1 valve placements is in the middle or close to the middle  
2 of his farm field, making it pretty awkward for farming.

3 And so I'm wondering is that correct? And,  
4 secondly, it looks to me on a map like it could be moved  
5 maybe a quarter of a mile and put in a fence line instead  
6 of in the middle of his field.

7 Can you comment on that issue at all?

8 MR. KOENECKE: I'm still calling up the e-mail  
9 on my device here.

10 CHAIRMAN NELSON: If I'm understanding his  
11 e-mail correctly and the map that I'm looking at,  
12 apparently the valve placement's at milepost 370 and a  
13 half, which is pretty close to the center of his field.

14 MR. KOENECKE: Commissioner, do you know or did  
15 you make note of which map page that is on? I'm looking  
16 at his attachment to his e-mail of October 28.

17 CHAIRMAN NELSON: I don't. Because when I'm --

18 MR. KOENECKE: Would you repeat the milepost for  
19 me then?

20 CHAIRMAN NELSON: 370.5.

21 MS. EDWARDS: Commissioner Nelson, if it helps,  
22 I did e-mail Deb Gregg and ask her to maybe run upstairs.  
23 She talks to a lot of these same people, and she's very  
24 familiar with their concerns. And I know we've spoken to  
25 him.

1 CHAIRMAN NELSON: Yeah. That might be helpful.

2 MS. STOFFERAHN: Hello.

3 CHAIRMAN NELSON: This is Chairman Nelson. Is  
4 this Ms. Stofferahn?

5 MS. STOFFERAHN: Yes, it is.

6 CHAIRMAN NELSON: If you'd just hang on, I'm in  
7 the middle of a series of questions with Dakota Access,  
8 and then we will get to you.

9 MS. STOFFERAHN: Sure. That's fine.

10 CHAIRMAN NELSON: Thank you.

11 MR. KOENECKE: We're taking a minute to read  
12 what Mr. Wellnitz --

13 CHAIRMAN NELSON: Absolutely.

14 MR. MAHMOUD: So are you suggesting that we move  
15 the valve to the edge of his field, and is this guy  
16 willing to do that? Because if he is, that's an obvious  
17 yes.

18 CHAIRMAN NELSON: Yeah. That's what -- if I'm  
19 understanding his e-mail correctly, he's got a great  
20 concern with having this valve plopped in the middle of  
21 his field, which I would also if I were in his shoes.

22 It looks to me like it could be fairly easily  
23 moved to the fence line. That might be a quarter of a  
24 mile move. And I don't know how much flexibility you've  
25 got in that valve placement, but I think we need to work

1 with him to make sure that we don't have an obstruction  
2 in the middle of his field that doesn't absolutely need  
3 to be.

4 MR. MAHMOUD: We can work with that. And a  
5 quarter mile in this circumstance, looking at that map,  
6 there's a stream nearby that we need to protect.

7 CHAIRMAN NELSON: And that's a trade-off, isn't  
8 it?

9 MR. MAHMOUD: It is. So the further the  
10 distance is, the more crude that sits in the pipe. But  
11 as far as flexibility, if that helps this gentleman close  
12 that tract out, we don't have a problem doing that.

13 CHAIRMAN NELSON: Well, if, in fact, the permit  
14 is granted, that would be an expectation that you would  
15 go back and have a serious conversation with him and work  
16 together on getting that issue resolved?

17 MR. MAHMOUD: Yes, sir.

18 CHAIRMAN NELSON: The last question I think I've  
19 got for you at the moment deals with the pump station  
20 location. And am I looking correctly?

21 Is there a residence across the road and just  
22 maybe less than a quarter mile to the west of the pump  
23 station location?

24 MR. MAHMOUD: We're going to pull it up to make,  
25 sure but that sounds about right. It's either -- there's

1 one landowner that's near. I can't remember if that's  
2 his barn or his home. So let us pull up the map real  
3 quick.

4 Do you have a map reference by any chance?

5 CHAIRMAN NELSON: You know, I zoomed it in and  
6 took a clip of that so, no, I don't have the whole thing.

7 The pump station, if I had to guess, I'd say  
8 34 maybe.

9 MR. MAHMOUD: Yeah. From what -- we're trying  
10 to pull it up, but if I remember the situation, and I'm  
11 pretty sure this is right, the structure you're looking  
12 at is his farmstead. But his actual house is more than a  
13 mile away.

14 And so when we bought that property -- we  
15 actually have dealt with the landowner quite a bit to  
16 purchase that piece of property. And I think he was  
17 concerned about a visual barrier as well, if I'm -- I'm  
18 trying to remember the comments that had come up at that  
19 time.

20 And where we purchased and we placed the pump  
21 station was actually in coordination with him. So when  
22 we started to receive those comments we were a little bit  
23 surprised. But the area closest to the pump station is  
24 not where he lives. He actually lives further to the  
25 west.

1           CHAIRMAN NELSON: Is there anybody living on  
2 that location?

3           MR. MAHMOUD: Not that we are aware of.

4           CHAIRMAN NELSON: Go ahead, Commissioner  
5 Sattgast.

6           ACTING COMMISSIONER SATTGAST: I'm trying to  
7 recall. During some of the testimony you said what the  
8 decibel level was of the pump station.

9           Do you remember what that was?

10          MR. MAHMOUD: It would be no more than 55 DBH at  
11 the edge of the fence line. So that's equivalent to --

12          ACTING COMMISSIONER SATTGAST: Common  
13 conversation, if I recall.

14          MR. MAHMOUD: A lawn mower is 85. So as a point  
15 of reference.

16          ACTING COMMISSIONER SATTGAST: Okay. Thank you.

17          CHAIRMAN NELSON: So I want to follow up on  
18 that. In the Stipulated Conditions that you've worked  
19 out with staff, you established the 55 dB at the nearest  
20 occupied residence, not at a fence line.

21          MR. MAHMOUD: So we based our -- that's a  
22 federal standard, by the way. 55 DBH at the nearest  
23 noise sensitive receptor.

24          Our designs, we're 55 decibels at the edge of  
25 our property just to avoid any issues. If you want to



1 put that as our stipulated condition, we're okay with  
2 that. Because I know we're going to do that.

3 CHAIRMAN NELSON: I guess my overall concern, I  
4 just want to make sure if, in fact, there was somebody  
5 living at that location, that they were aware of the  
6 55 level and didn't have any concern with it. If there's  
7 nobody living there, then it's a nonissue.

8 MR. MAHMOUD: And he's very well-aware, by the  
9 way. He was part of, again, the selling of the property  
10 to us and was made aware of what the decibel readings  
11 were going to be.

12 And our design engineer has personally met with  
13 this gentleman who owns that residence as well as the  
14 barn to go over the details of the design at that  
15 location. So we have met with him. He's aware.

16 Now I don't know if you would -- if it all sunk  
17 in. I would admit that these are technical design issues  
18 that sometimes don't mean a lot to nonengineer types.  
19 But we have certainly made an attempt to make sure that  
20 he's aware of the limitations.

21 CHAIRMAN NELSON: Ms. Edwards, have we heard  
22 anything from that landowner in regard to the noise issue  
23 at all?

24 MS. EDWARDS: No. I don't believe I have. Oh,  
25 maybe --

1           We received a question about the visual impact,  
2 but I don't think I've ever received a question about the  
3 noise.

4           CHAIRMAN NELSON: Okay. I think that's all the  
5 questions I've got. I'm sensitive to the noise issue,  
6 but apparently nobody else is or at least the person that  
7 owns the property isn't. So I think that's all that I  
8 need to go down that track.

9           That's all I have for you gentlemen, at least at  
10 the moment.

11           My understanding -- Nancy Stofferahn, are you on  
12 the line?

13           MS. STOFFERAHN: Yes, I am. And also my  
14 husband, Tom Stofferahn, is on the line also.

15           CHAIRMAN NELSON: Excellent. I appreciate you  
16 joining us. We're asking a series of kind of clarifying  
17 questions.

18           At the -- towards the end of our hearing,  
19 evidentiary hearing, Mr. Mahmoud was on the stand, and I  
20 don't believe you were in the room. I don't know if you  
21 were listening online. And I asked him some clarifying  
22 questions about your situation.

23           I'm very sensitive to the fact that you don't  
24 want a pipeline where you want to put your test plots,  
25 and that location makes to me perfect sense for your test

1 plots and demonstration plots.

2 His response was that, you know, they are  
3 willing to negotiate that if you all are willing to come  
4 to the table to negotiate that location.

5 And so my question is very simple. Have you  
6 entered into a negotiation with DAPL for the location of  
7 that pipeline and an easement?

8 MS. STOFFERAHN: Well, they served a subpoena to  
9 take our land three weeks ago so we're back in lawsuit, I  
10 guess. No, we have not negotiated. They have not  
11 contacted us regarding negotiations, to my knowledge, us  
12 personally.

13 Our attorney is not on the line. I don't know  
14 if they've contacted him or not about us.

15 CHAIRMAN NELSON: And you have not contacted  
16 them about negotiating around the area that you'd like to  
17 put your test plot?

18 MS. STOFFERAHN: I guess since we were sued  
19 again, no, we have not called them. You know, I guess as  
20 far as our addition, you know, they knew about that  
21 October of 2014. I told their employee who came who  
22 wanted my husband to sign a survey release, and I asked  
23 her where the pipeline was going and she said, well, it's  
24 coming down behind your house and behind that white  
25 building over there.

1           And I said, well, on that white building, that's  
2           our business. We have expansion plans. And I was  
3           telling her about it and stuff. And she just said so.

4           You know, that was before they even asked for a  
5           permit.

6           CHAIRMAN NELSON: Right. But I'm talking  
7           about after --

8           MS. STOFFERAHN: Since the hearing? Is that  
9           what you're saying?

10          CHAIRMAN NELSON: Since Mr. Mahmoud at the  
11          hearing indicated a willingness to negotiate with you  
12          over the location. That's the time period I'm asking  
13          about.

14          MS. STOFFERAHN: I have not -- we have not  
15          received a call from Dakota Access since the hearing  
16          personally here at our residence or our business, and to  
17          my knowledge I don't think they've contacted Mr. Boomsma,  
18          to my knowledge.

19          CHAIRMAN NELSON: And I understand that you have  
20          not contacted them either.

21          MS. STOFFERAHN: No, I have not.

22          CHAIRMAN NELSON: Okay.

23          MS. STOFFERAHN: We were served, I think, on  
24          November 9.

25          CHAIRMAN NELSON: Thank you. That is all the

1 questions I have from you. And, again, I appreciate you  
2 calling in so we can clarify where that was at.

3 MS. STOFFERAHN: Okay. No problem. Thank you.

4 CHAIRMAN NELSON: Ms. Edwards, just a couple of  
5 questions. We had a lot of discussion about the parent  
6 company liability documents, and those documents were  
7 filed.

8 My question for you is have you analyzed those,  
9 and have you found those to be legally adequate, binding,  
10 covering the situation that needs to be covered?

11 Can you talk to us about what you've found in  
12 those?

13 MS. EDWARDS: I did look through them  
14 thoroughly, and I was satisfied with them. And I know  
15 the -- I remember there being a lot of questions about  
16 them from the Iowa Commission too in the last week. So  
17 there's obviously been a lot of interest in that, and I  
18 feel like they do cover legally the obligations of the  
19 company.

20 CHAIRMAN NELSON: Thank you.

21 The last question I think I've got for you, in  
22 the Stipulation, Stipulated Conditions, and I won't go  
23 into the individual paragraphs unless we need to, but I  
24 find the term "emergency response plan." I find the term  
25 "facility emergency response plan." I find the term

1 "facility response plan."

2 Are those all three the same?

3 MS. EDWARDS: They are.

4 CHAIRMAN NELSON: Would you have any objection  
5 to utilizing the same term for those throughout the  
6 document? And if so, which would be appropriate?

7 MS. EDWARDS: I would not have an objection to  
8 that, and I believe the appropriate one would be  
9 emergency response plan.

10 CHAIRMAN NELSON: Mr. Mahmoud, would you care to  
11 come to the microphone and give the company's  
12 perspective. I didn't intend to open the can of worms,  
13 but I'm uncomfortable using different terminology unless  
14 there's a reason.

15 MR. MAHMOUD: Yeah. And we apologize for having  
16 multiple references to the same documents.

17 Our nomenclature is actually facility response  
18 plan. That's the technical title of the plan. We use  
19 emergency response plan and facilities just as kind of --  
20 I don't know what the right word is, but the technical,  
21 correct is facility response plan.

22 And I hate to not have gone over that with you,  
23 Kristen. We should have cleared that up.

24 CHAIRMAN NELSON: That's fine. I appreciate  
25 both perspectives. And here's the deal. If we choose to

1 move forward, the Commission gets to decide. So I  
2 appreciate the input from both of you.

3 That, I think, is all the questions that I've  
4 got.

5 Any other Commissioner questions?

6 Commissioner Hanson.

7 COMMISSIONER HANSON: Thank you. Troy Larson  
8 gave testimony for Lewis & Clark and for the South Dakota  
9 Rural Water Association. And it's my understanding that  
10 there is going to be stipulations agreed to between the  
11 Applicant and the rural water systems.

12 Can you tell us if there's been an agreement  
13 made there?

14 MR. MAHMOUD: Yes, sir. There has. We've  
15 executed the agreement and -- as of last week, maybe the  
16 week before, but it's complete.

17 COMMISSIONER HANSON: Thank you very much.

18 MR. MAHMOUD: You bet.

19 COMMISSIONER HANSON: Thank you.

20 CHAIRMAN NELSON: Additional Commissioner  
21 questions?

22 If not, at this point I would open the floor for  
23 motions.

24 And at this time I will move to grant the permit  
25 to Dakota Access with the conditions that have been

1 stipulated between Dakota Access and the PUC staff.

2 Discussion on the motion.

3 I'm going to take an opportunity for discussion.  
4 And I apologize to everyone. You might find this lengthy  
5 but this has been a lengthy process and I think this is  
6 important.

7 The first thing is that it may be a little bit  
8 unusual, but in addition to the motion that I've made,  
9 I'm going to be offering several amendments to my own  
10 motion. The reason that I'm doing that separately, I  
11 want to make sure that those amendments have a very fair  
12 examination, that my fellow Commissioners have an  
13 opportunity to thumbs up or thumbs down on individual  
14 amendments.

15 And I will say at the outset that those  
16 amendments go beyond the Stipulated Conditions, and you  
17 all in the audience will have an opportunity to view  
18 those when we get to that point.

19 I want to spend just a little bit of time  
20 talking about how I've arrived at my decision to make the  
21 motion that I did. And we certainly -- none of the three  
22 of us take this lightly, and certainly I don't. This has  
23 been a long process with a lot of input, a lot of very  
24 passionate input, and I appreciate that.

25 I want to speak, first of all, to the landowners



1 that are affected. And I don't see them in the room, but  
2 I know that a lot of them are probably listening online.  
3 And perhaps the most important thing I can say to the  
4 landowners is that your story, the story you have told  
5 us, is my story.

6 You've given us testimony on the importance of  
7 family farms, of the generational history of those farms,  
8 of your commitment to preserving land for the future and,  
9 frankly, your simple love for the land. Your story is my  
10 story. I share that. I share your background.

11 I intimately understand what these landowners  
12 have said about the importance of their property. And I  
13 say that in a way that I think folks that don't grow up  
14 in rural South Dakota probably don't fully appreciate.

15 And I've asked myself 100 times as we have gone  
16 through this process how would I feel if I was the one  
17 receiving the notice from Dakota Access saying they  
18 wanted to put a pipeline across my beloved portion of  
19 South Dakota farmland. And, frankly, I'd say to the  
20 landowners, I wouldn't be any happier than any of you all  
21 are or have been at this point.

22 But that said and with that understanding, as a  
23 PUC Commissioner, I am bound to adjudicate and make my  
24 decisions in this case based upon the laws of the State  
25 of South Dakota and the facts and the evidence that have

1     been presented in this case, and that's how I will make  
2     my decision.

3             And, quite simply, I find that throughout this  
4     process Dakota Access has demonstrated that they have a  
5     legal right to have this permit issued to them.

6             The most important thing I'm going to say today  
7     is this: If my motion passes and this pipeline is  
8     constructed, it is an imperative and a nonnegotiable that  
9     construction and reclamation be conducted in a manner  
10    that allows our farmers and ranchers to very quickly get  
11    back to their business of producing food for the world  
12    uninhibited by this pipeline and so that the Applicant  
13    can conduct their business of delivering petroleum  
14    products for our country.

15            Let's turn to the Applicant's burden of proof,  
16    laid out for us in state law 49-41B-22. And so that the  
17    public listening thoroughly understands, the decision  
18    that we have to make is not based on the whim or the will  
19    of PUC Commissioners. It's based on the standard laid  
20    out by our State Legislature, and that standard is,  
21    number one, that the proposed facility will comply with  
22    all applicable laws and rules; number two, the facility  
23    will not pose a threat of serious injury to the  
24    environment, nor to the social and economic condition of  
25    inhabitants or expected inhabitants of the siting area;

1 number three, the facility will not substantially impair  
2 the health, safety, or welfare of the inhabitants; and,  
3 number four, the facility will not unduly interfere with  
4 the orderly development of the region, with due  
5 consideration having been given to the views of governing  
6 bodies of affected local units of government.

7 That's the standard.

8 I want to spend a little bit of time talking  
9 about some of the individual issues that have arisen in  
10 this docket that I feel I need to address. And the first  
11 is the issue of the pipeline route through potential  
12 growth areas. And that is an obvious concern given the  
13 statutory criteria that I've just talked about.

14 And so one of the first questions that I raised  
15 or asked was does this pipeline go through any of the  
16 "neighboring growth areas" that are designated by local  
17 municipalities as their areas of growth?

18 And I questioned Mr. Mahmoud at length over that  
19 as we looked at the exact routing, particularly in the  
20 area south of Harrisburg. And his testimony confirmed  
21 that the map that had been filed by the City of Sioux  
22 Falls as Exhibit A showed the correct current routing of  
23 the pipeline and that that follows along the edge of a  
24 neighboring growth area.

25 I think it's critical to note that the cities

1 located close to this pipeline and the counties through  
2 which it traverses could have easily intervened and put  
3 on the record any concerns they may have had about the  
4 routing of the pipeline. Goodness knows it's pretty easy  
5 to become an Intervenor in one of these cases.

6 And while the City of Sioux Falls and Lincoln  
7 County did intervene, the others did not. And even the  
8 City of Sioux Falls, their sole concern was how does this  
9 affect their landfill, and they were, through  
10 negotiation, able to resolve their routing concern.  
11 That's it. Nothing else. An absolute silence from the  
12 other governing bodies in that particular area.

13 There was some testimony or suggestion that this  
14 pipeline should have been routed further to the west and  
15 further to the south of the Sioux Falls area.  
16 Understand -- it's very important for folks to understand  
17 the PUC does not have routing authority. We cannot sit  
18 here today and say move it here or move it there. We  
19 cannot and do not have the statutory authority to make  
20 route amendments.

21 And even if we did, being asked to pick one  
22 South Dakota landowner over another South Dakota  
23 landowner is a path that I would not want to go down and  
24 would not go down. Picking and choosing between which  
25 landowner should be affected and which one gets out of

1 being affected is not something that this Commission  
2 should ever be involved in.

3 I want to spend a moment talking about some of  
4 the discussion about the development potential of  
5 properties that are going to be crossed. And I think  
6 that discussion needs to start again with a reminder of  
7 the three words that I emphasized in the statutory  
8 criteria: Serious, substantial, and unduly. That's the  
9 standard we have to live by, and I did not find in any of  
10 the testimony that the concerns rose to that level.

11 As that argument was being made, and it's one I  
12 listened to carefully, I was looking for independent  
13 testimony documenting quantitatively what the economic  
14 impact might be to property crossed by the pipeline. I  
15 didn't hear any of that testimony.

16 I heard conclusory testimony from landowners  
17 about how they perceive the value of their property might  
18 be affected and how the development potential might be  
19 impacted. And that's testimony that's hard to ignore. I  
20 can't ignore it. But, by the same token, I didn't find  
21 that independent quantitative testimony that I feel would  
22 have been needed.

23 There was also testimony that development would  
24 not be possible on the parcels crossed by the pipeline.  
25 And I think that claim was clearly contradicted when DAPL

1 filed their Exhibits 51 and 52, the maps showing existing  
2 petroleum pipelines in the Sioux Falls area. In fact, I  
3 noted that one of those pipelines is just feet from the  
4 apartment building where my mother lives. And I've been  
5 in that area hundreds of times, and I've always admired  
6 the green space that is created along that pipeline right  
7 of way.

8 And my observation is that that pipeline didn't  
9 stop any development. Did it require development to be  
10 planned around it? Absolutely, which left a rather  
11 attractive green space through that particular  
12 neighborhood.

13 And so then the question we're left with, does  
14 whatever impact there might be on development potential,  
15 does it violate the statutory criteria of serious,  
16 substantial, and unduly? I don't think so.

17 I want to spend a minute talking about the  
18 accuracy of the property tax estimates. If anybody sat  
19 through the hearing, you probably got the impression this  
20 was a big deal to me. I want to explain why I think it's  
21 so important.

22 When we look at what does this pipeline bring to  
23 South Dakota, it certainly brings some jobs. It brings  
24 some initial payments to landowners. But really the only  
25 long-term impact to South Dakota is the property taxes

1 the company is going to pay. And that's why it's  
2 important -- as I look at it, it's really what do the  
3 people of South Dakota get for hosting this pipeline.

4 And to answer that question, it really comes  
5 down to what kind of property taxes are going to be paid  
6 to support our schools and our counties and township  
7 governments.

8 I think the people of South Dakota deserve to  
9 know that answer ahead of time. And that's why I spent  
10 so much time diving into the minutia of property taxation  
11 with the representatives from the Revenue Department that  
12 testified.

13 And, as we all know, the Department of Revenue  
14 refuses to provide an estimate because, as they  
15 indicated, they don't have the input assumptions  
16 necessary to do so, nor would they know the reliability  
17 of the assumptions if, in fact, they had been provided to  
18 them. So they simply can't.

19 My wish, if I could wish something here, it  
20 would have been that the Applicant would have provided to  
21 the Department of Revenue documented assumptions and that  
22 I could require the Department of Revenue to take those  
23 assumptions and give us their estimate.

24 I don't have the authority to do that. The  
25 Legislature simply has not given us the authority for us

1 to tell the Department of Revenue to do anything. And so  
2 I can't.

3 And so what are we left with in this area? We  
4 are left with the DAPL application that states in the  
5 first full year of operation property taxes will be  
6 approximately 14 million. We have during the hearing  
7 received assurances from DAPL that they verified their  
8 methodology of calculation through several phone calls  
9 with the Department of Revenue.

10 Am I completely comfortable with all of that?  
11 The answer is no. But I think, given the limits that we  
12 have on our authority, that's as close as we're going to  
13 get to an estimate.

14 And I will just say this: The public policy  
15 question of whether the methodology used to establish the  
16 taxation level on Interstate pipelines, if that -- is  
17 that methodology proper? That's a question that we can't  
18 resolve. That's, again, a legislative question and not  
19 within our purview.

20 Eminent domain. I want to address this only  
21 because we've heard so many comments about this that have  
22 come into the docket. And let me make it very, very  
23 clear, the Public Utilities Commission is not involved in  
24 easement negotiations, and we are not involved in eminent  
25 domain decisions. That is outside of our purview. The



1     Legislature has not directed us to become involved in  
2     that.

3             There are some states where the PUCs are  
4     involved in those decisions, and that may be where some  
5     of the confusion comes in from folks thinking that we can  
6     make those decisions. But we can't. Eminent domain laws  
7     are established by the Legislature and the Governor.

8             This docket is the forum for discussing -- I  
9     should say this docket is not the forum for discussing  
10    whether our State's eminent domain law properly balances  
11    property owner rights with the interests of project  
12    developers. That is squarely a prerogative of the  
13    Legislature.

14            And my last point: Reclamation. As I began  
15    saying, I understand the love that a farmer or rancher  
16    has for his or her land. I get that more intimately than  
17    anything else I do here. Reclamation is what returns the  
18    property back to its original state or as close as  
19    humanly possible.

20            And I will say as a landowner I've lived through  
21    reclamation of a large scale project on my property. And  
22    I've got experience where part of that was a grand  
23    success, and part of it was not. I've seen both ends of  
24    that.

25            It is crucial that we do this right so that our

1 farmers and ranchers can get back to doing what they do  
2 best, producing food for the world.

3 Proper reclamation starts with, number one,  
4 doing the project correctly in the first place. Proper  
5 stripping of topsoil, proper decompaction, or even better  
6 yet, operating in a manner that decompaction is not even  
7 needed, proper tile repair, proper grass reestablishment.  
8 All of these are imperatives and nonnegotiables with me.

9 The Stipulated Conditions -- and I want to say  
10 thank you to the company and the PUC staff for working  
11 through and coming up with the Stipulated Conditions. As  
12 I was approaching this meeting, in my mind I'm wondering  
13 how do we get our hands around what the proper conditions  
14 ought to be. And your Stipulated Conditions are a good  
15 starting point toward accomplishing the goal of proper  
16 reclamation.

17 The acknowledgment by DAPL that a third-party  
18 monitor can play a valuable role in the process is  
19 commendable. I say that to you because I got the  
20 impression during the hearing you might not have had that  
21 perspective. And I'd also say this is, as a PUC, our  
22 first experience with this. And so we will no doubt be  
23 learning some things as we utilize the third-party  
24 monitor.

25 But if this is the step that is necessary to

1 eliminate the potential for problems like we heard from  
2 the Sibsons and Mr. Moeckly, then I think it's worth  
3 giving it a try to make sure we get things done. And  
4 it's important I think for folks out there in the public  
5 to know that that monitor is going to be paid for by DAPL  
6 and not the taxpayers of South Dakota. We're not on the  
7 hook for that.

8           And while I've said that the Stipulated  
9 Conditions are a good start, I've got two amendments that  
10 I'm going to offer to those that I believe will provide  
11 even greater protection for the people of the State of  
12 South Dakota and particularly the affected landowners.

13           The First Amendment is a package, 17-page  
14 package, of possible amendments that have been provided  
15 to the Commissioners by Commission counsel for us to  
16 consider.

17           COMMISSIONER HANSON: Mr. Chairman, excuse me.  
18 I'm just trying to figure out one thing. I plan to make  
19 a substitute motion to deny. And I'm trying to figure  
20 out whether we should go through all of those conditions  
21 prior to that motion or if we should -- if it would make  
22 sense to do that. The decision of the Commission as to  
23 how we wish to proceed.

24           CHAIRMAN NELSON: I think we can do it either  
25 way.

1           COMMISSIONER HANSON: All right. Let's proceed  
2 with that then, and then we'll have those taken care of.

3           CHAIRMAN NELSON: Perfect.

4           And so at this time I would move what I'm just  
5 going to call the comprehensive 17-page amendment of  
6 possible amendments. And what I would recommend -- I  
7 think we've got copies of the 17 pages. I would -- what  
8 I think we will do -- the way that I would like to  
9 proceed with this is to move into recess. Because what  
10 I'd like to do is allow all of the parties an opportunity  
11 to review these amendments.

12           And this is a little bit unusual. And if either  
13 of the Commissioners are uncomfortable with this, let me  
14 know. But what I'd like to do is move into recess, let  
15 everybody have an opportunity to review these amendments.  
16 When we come out of recess I would specifically like to  
17 hear if there are any of these amendments that are either  
18 impossible, unworkable, or simply not applicable to this  
19 project.

20           I want to make sure that from everyone's  
21 perspective we're not making any errors with this  
22 particular package. And then we'll take that input and  
23 move on from there.

24           Commissioner Hanson.

25           COMMISSIONER HANSON: Just to try to -- with all

1 the notes that we have on this, the 17 pages of  
2 amendments, are those consistent with -- and I -- I'm  
3 trying to phrase this properly because we do not discuss  
4 this between ourselves prior to this, and we do share the  
5 same counsel but that counsel does not share what each  
6 one of us is thinking.

7 So I'm trying to -- are these similar to --

8 CHAIRMAN NELSON: If I might, Commissioner.

9 COMMISSIONER HANSON: You're anticipating what  
10 I'm asking?

11 CHAIRMAN NELSON: Yes. These are exactly what  
12 Commission counsel has provided to each of the three of  
13 us independently.

14 COMMISSIONER HANSON: Assuming that she  
15 presented the same thing to each of us.

16 CHAIRMAN NELSON: Knowing her, I can assure you  
17 that is the case.

18 COMMISSIONER HANSON: Okay.

19 CHAIRMAN NELSON: I specifically then will have  
20 a second set of amendments that you have not seen. And I  
21 do it that way simply to keep it clean.

22 COMMISSIONER HANSON: Thank you. And I will  
23 have some minor adjustments as well to that.

24 CHAIRMAN NELSON: And I want to -- just for your  
25 information, on page 7 under 16B, Sub A where there's the

1 word "approve" it should be approved with a D. That's  
2 the only change that I would make to this amendment from  
3 what was presented.

4 COMMISSIONER HANSON: Okay. I saw that as well  
5 too. However, I changed the font so my pages were  
6 different.

7 CHAIRMAN NELSON: So I would move that  
8 amendment.

9 Discussion on the amendment.

10 At this time I would move that we take a  
11 15-minute recess.

12 Discussion on the motion to recess?

13 Hearing none, all of those in favor of the  
14 motion to recess will say aye; those opposed nay.

15 Commissioner Hanson.

16 COMMISSIONER HANSON: Aye.

17 CHAIRMAN NELSON: Commissioner Sattgast.

18 ACTING COMMISSIONER SATTGAST: Aye.

19 CHAIRMAN NELSON: Nelson votes aye.

20 We are in a 15-minute recess. We'll come back  
21 at a quarter to 3:00.

22 (A short recess is taken)

23 CHAIRMAN NELSON: We will call the PUC meeting  
24 back to order. We have an amendment on the floor. And  
25 while this is highly unusual for us to open the floor to

1 comment on amendments, I think because of the length of  
2 these and the importance, I'd like to open it up.

3 And I'd specifically like to know if there are  
4 any of these amendments that are either impossible,  
5 highly impractical, or simply not applicable to this  
6 particular project.

7 And if the answer is none, that would be great.

8 Mr. Koenecke.

9 MR. KOENECKE: Thank you, Commissioner.

10 We reviewed these in the time the Commission  
11 gave us, and we thank you for that. We found that there  
12 are two places in which we'd like to clarify the  
13 document. They're both on page 7.

14 If we go down to 16B, Sub H, I can't think of a  
15 place in my review of the project where there would be  
16 timber or slash available to support an equipment  
17 crossing of wetlands. We use timber mats, which are  
18 timbers of substantial mass, such as they support heavy  
19 equipment.

20 I think what you meant there is raw timber. And  
21 so if that is what you were thinking, raw timber and  
22 slash to support equipment crossings, then we're onboard.  
23 If it's to deny us the use of timber mats, which are I  
24 think critical to the process, then we've got a problem.

25 CHAIRMAN NELSON: I would happily insert the

1 "raw" in front of the word "timber." Yes.

2 MR. KOENECKE: Okay. Very good. We thought  
3 that was probably the case.

4 COMMISSIONER HANSON: Excuse me. Instead of the  
5 page number, excuse me, could you give me the reference,  
6 like 16A or --

7 MR. KOENECKE: Yes, Commissioner. I'd be glad  
8 to. 16B, Sub H.

9 COMMISSIONER HANSON: Thank you.

10 MR. KOENECKE: You're welcome.

11 I might let Mr. Mahmoud talk about the next one.  
12 I think he's got it more clearly in his head than I do.

13 MR. MAHMOUD: The next one is 16B, subset I,  
14 subject to Condition 35. And where I'm referencing is  
15 the second line where it says 25 feet.

16 In Condition 35 the width is 30 feet. So we  
17 would just like to make that consistent. 30 feet is the  
18 width that we maintain the right of way for visual  
19 observations during aerial flights, which is a pretty  
20 important width for us from a safety perspective to be  
21 able to visually observe the right of way.

22 And we were just asking for those two to be  
23 consistent.

24 CHAIRMAN NELSON: I would be fine with a  
25 friendly amendment to Sub I to change that to 30 feet.



1 MR. MAHMOUD: Thank you. That's all we have.

2 CHAIRMAN NELSON: Are there any others that  
3 would like to comment on the proposed amendments?

4 Seeing none, discussion on the proposed  
5 amendment.

6 I will simply say I appreciate Commission  
7 counsel going to the work of identifying these additional  
8 provisions that I believe are additional protections,  
9 particularly for the landowners of South Dakota as this  
10 is constructed. I think these are good additions. I  
11 appreciate the company taking a look at these and helping  
12 us make two corrections.

13 Beyond that, I think that's all I've got to say.  
14 Additional discussion.

15 COMMISSIONER HANSON: And it's your intent to  
16 have subsequent amendments to this?

17 CHAIRMAN NELSON: Correct.

18 COMMISSIONER HANSON: And I would agree with  
19 you. Commission counsel is a real talent. She's done a  
20 fantastic job here.

21 CHAIRMAN NELSON: With that, no further  
22 discussion.

23 All those in favor of amending the main motion  
24 by adding these amendments will vote aye; those opposed  
25 nay.

1 Commissioner Sattgast.

2 ACTING COMMISSIONER SATTGAST: Aye.

3 CHAIRMAN NELSON: Commissioner Hanson.

4 COMMISSIONER HANSON: Aye.

5 CHAIRMAN NELSON: And Nelson votes aye. The  
6 motion is amended.

7 We are at the point of further discussion of the  
8 main motion as amended, and I would at this time like to  
9 offer a second set of amendments that I am going to call  
10 the Nelson amendments in green.

11 Since we're getting a lot of colors here, these  
12 are going to be amendments in green. And I believe that  
13 these are additional amendments that are necessary to  
14 protect the landowners along the route, and a number of  
15 these are things that we've talked about throughout this  
16 process.

17 At this point nobody has a copy of these, but  
18 I've got the copies here. And so what I'm going to do is  
19 distribute -- and this is a four-pager. It's not going  
20 to be placed up online, but I intend to go through these  
21 one at a time so everyone who is listening online will  
22 have adequate opportunity to find out what we're up to.

23 And anybody out there that wants --  
24 Mr. Koenecke, if you'd just be so kind as to pass these  
25 out to whoever out in the audience might like one.

1           At this time I would move to amend the main  
2 motion with the Nelson amendments in green.

3           Discussion on the proposed amendment.

4           If I might just go through these one at a time.  
5 What you will see here, whatever is in red is what we  
6 just approved in the last amendment. Okay. What you see  
7 in green is what I am proposing to change.

8           And so for my fellow Commissioners it's the  
9 green that you should focus on.

10           On the top of the first page in Sub 16 I'm  
11 asking to add a phrase, "a written explanation of the  
12 option for complete topsoil segregation."

13           I think it's important. Because we've spent a  
14 lot of time talking about this. The company has agreed  
15 to do this. I think it's extremely important that the  
16 landowners be provided that in writing so that there's no  
17 question in hindsight, I didn't know.

18           I think they need to know. And I know it's  
19 already included in here that they be told that verbally.  
20 I think it's important that that be provided in writing.

21           The bottom of page 2, top of page 3. I've over  
22 struck the word "commodity or row crops" and inserted the  
23 word "cropland." Frankly, commodity or row crops does  
24 not make a bit of sense in that context. Cropland I  
25 think is the intention and is simply the proper wording.

1           On page 3 and for those listening online this  
2 would be in Condition 24, Sub B. I am proposing that we  
3 remove the clarification saying that -- that says "except  
4 for periods when it is infeasible to do so" and then  
5 removing the last sentence of Sub B.

6           Folks need to have access to their house. I  
7 mean, that's just a basic -- and you might have to figure  
8 out some creative ways of getting people into their  
9 house, but I don't think there ought to be an exception  
10 for people being able to get into their own house.

11           And on the last page this would be in  
12 Condition 29, Sub E. And this is talking about the  
13 length of time that the third-party monitor is going to  
14 be employed. And I'm not sure I understood what was in  
15 the stipulation about it not including any part of the  
16 restoration activities.

17           And so the language that I've put in here is  
18 that that person would be employed to the end of the  
19 conclusion of initial reclamation activities.

20           I understand that this person doesn't need to be  
21 maintained through the first growing season to see if the  
22 grass actually comes up. But I think it's important that  
23 they oversee that entire first initial go around of the  
24 reclamation. Hopefully there's not a need for the second  
25 go around if it's done right the first time. But that's

1 my intention with that.

2           The next is in Condition 39. There's a phrase  
3 in there talking about Dakota Access shall work directly  
4 with the landowner to determine proper location. I've  
5 also included the word "and slope." That's obvious. And  
6 then I've added two sentences at the end. "Dakota Access  
7 shall be responsible for repairing or replacing all  
8 damaged and disturbed drain tile in a manner that  
9 maintains the full integrity, function, and original  
10 slope of the drain tile. Dakota Access shall be  
11 responsible for making additional repairs or replacement  
12 should any drain tile cease to function properly because  
13 of the pipeline construction or operation."

14           Obviously we had a lot of concern about drain  
15 tile. We had testimony that it's impossible to repair  
16 this drain tile. We had testimony that it's very  
17 possible to repair the drain tile. I happen to believe  
18 that pretty much anything can be repaired given time and  
19 effort and I'm willing to give the company the  
20 opportunity to do that but I think it's important that we  
21 have language this strong to make sure that the job is  
22 finished and done correctly and that if --

23           And there's been concern about the drain tile  
24 sagging at some later point. This I think makes it clear  
25 that if that happens, that the company is still

1 responsible for fixing it so that the drain tile  
2 continues to work properly.

3 And as the sandbags underneath -- between the  
4 pipeline and the drain tile were explained to me, I think  
5 that eliminates a lot of that concern. But if something  
6 goes wrong, the company is still on the hook to make it  
7 right for the farmer.

8 Condition 47. I've added the word "and pasture"  
9 in two places. Pasture restoration and any loss beyond  
10 three years is just as important as any crop loss and  
11 needs to be covered.

12 And then the last paragraph I've added is  
13 dealing with the issue of any parcels that are organic.  
14 And what I've said in this is "Dakota Access shall notify  
15 landowners in writing of their right to have their parcel  
16 maintained for organic farming. If a landowner has  
17 established a land parcel as organic, the landowner must  
18 notify Dakota Access in writing of such fact prior to the  
19 beginning of construction on that parcel. Upon such  
20 notification, Dakota Access will be required to maintain  
21 the parcel as organic throughout construction,  
22 reclamation, and operation."

23 To me that seems like a reasonable way of  
24 notification from both sides and protecting the  
25 landowner's right to maintain their parcel as organic, if

1 it is already in that state.

2 That is the sum of my amendments. Hopefully  
3 I've explained them adequately to my fellow  
4 Commissioners. And with that, I would ask for support.

5 Further discussion on the amendment.

6 Okay. My understanding is that staff actually  
7 is going to be posting this out on the website. It may  
8 take just a minute for it to get out there.

9 Okay. Counsel has told me that we probably need  
10 to take a short recess until that gets posted so we will  
11 just be at ease for a moment or two.

12 (A short recess is taken)

13 CHAIRMAN NELSON: I guess I will ask the  
14 Applicant, did you see anything in these that are  
15 impossible to comply with?

16 MR. KOENECKE: Thanks, Commissioner. As I  
17 walked up here, I thought about the word impossible.

18 CHAIRMAN NELSON: That's my standard.

19 MR. KOENECKE: Question whether that applied,  
20 and then the answer to myself is I think it does.

21 We're looking solely at the paragraph on organic  
22 farming. As of right now, there's one parcel on the  
23 project that we know of that is certified organic. It  
24 belongs to a family from Sioux Falls and is farmed by  
25 Charlie Johnson. We have closed an easement with that

1 landowner as of some time ago.

2 We continued to talk about the nature of the  
3 organic certification on that parcel with Mr. Johnson in  
4 fits and starts, shall I say. My direction is that we  
5 are not opposed to talking about organic farming, but the  
6 practicalities of the situation need some discussion.

7 So what we've got here is I don't know that the  
8 landowner has established this parcel as organic. I  
9 think it's Mr. Johnson, the tenant, and not the  
10 landowner. So impossibility, that's kind of where that  
11 comes from.

12 It's Mr. Johnson's certification, I think. I've  
13 looked at his certification, and I've looked at his  
14 certifying agency. It was my understanding that even if  
15 we did everything that was asked of us, he would still  
16 lose his certification by virtue of the construction on  
17 that parcel.

18 Then we get into questions about even if we did  
19 the drop cloths and the not fueling on his -- on that  
20 parcel, he was still going to lose the certification is  
21 how we understood it from his particular certifying  
22 agency. There are numbers of certifying agencies. He  
23 happens to use the one, if I recall, from North Dakota.

24 My understanding, and I'm not an expert in this,  
25 is that there are a number of certifying agencies



1 nationwide which people can use at their own discretion.  
2 There are not the kind of clear delineated boundaries to  
3 organic certification out there that lend themselves to a  
4 right to have the land parcel maintained and for us to  
5 maintain the parcel as organic.

6 I don't think based on my understanding and my  
7 reading of this literature from his certifying agency  
8 that there's any way to construct and maintain the parcel  
9 as organic. And I want to go back to what I've  
10 originally said. We've already signed with the landowner  
11 on that tract and paid the damages that stemmed from the  
12 organic certification.

13 And I'll let Mr. Mahmoud talk about his thoughts  
14 on the subject, but it became clear to us that the route  
15 was to pay the organic damages and let the certification  
16 sort itself out afterwards.

17 Because we're talking about constructing a  
18 350-foot-wide permanent easement through a quarter  
19 section. So how much of the quarter section then loses  
20 its certification based on where the pipe was placed.  
21 You see what I'm saying?

22 There might be an 80 there or a whole bunch of  
23 acreage that still maintains certification, but the right  
24 of way doesn't or constructive part. There's all of  
25 these permutations and questions out there, and it became

1 clear based on the one instance that the way for us to  
2 proceed was to let it work itself out.

3 I'll let Joey talk. I know he's got a number of  
4 things to share as well.

5 MR. MAHMOUD: Thank you. And over all it's not  
6 that we're anti the concept. Because the concept makes  
7 sense.

8 The problem we have right now is we're  
9 91.72 percent closed on tracts in the State of South  
10 Dakota. And so 92 percent for all practical purposes.  
11 So a condition like this where we've gone through and  
12 we've negotiated the easements in good faith, we've paid  
13 for what we believe to be proper damages for crops or  
14 whatever damages to the property -- a condition like this  
15 I think unintendedly may drive some folks back to wanting  
16 to renegotiate that status, is our fear.

17 And it's not that we don't -- we do care about  
18 organic farming. It's just what standard are we going  
19 with for an organic farm?

20 I know in Minnesota they have a state standard  
21 for what an organic farm is. In South Dakota we simply  
22 just don't have that. So we're a little bit concerned  
23 about what organic farming really even means  
24 definitionally. We all know what it means, but what does  
25 it really mean in the context of defending that position

1 either in a court of law, in front of a Commission, in  
2 front of anyone? We don't know. And so that opens up  
3 kind of Pandora's box that we're trying to stay away  
4 from.

5 And, secondly, we're down to 8 percent of  
6 remaining landowners that none of them to date have  
7 claimed to be an organic farmer. So we're putting a  
8 condition in place for 8 percent of the landowners where  
9 there's no organic farms that are subject to this  
10 condition. So we're a little bit concerned that it's  
11 going to create something that we really don't want it to  
12 create.

13 And, again, we agree with the concept, and we in  
14 practice are actually doing this. The one organic farm  
15 we compensated for three years of organic farming loss  
16 and loss of that certification to that landowner. It's  
17 just the tenant in this case was not happy with his  
18 landowner. It's a contractual issue. Nothing that we're  
19 involved in.

20 So that's kind of where when we read this we're  
21 like, well, okay, practically we can handle it. Legally  
22 we probably cannot, and we don't know where that leaves  
23 us. And we don't want to be a naysayer based on your  
24 three rule criteria, but at the same time we're kind of  
25 stuck.

1           CHAIRMAN NELSON: I appreciate that feedback  
2 greatly. A couple of questions:

3           So what I understand from you is the  
4 certification organization that Mr. Johnson uses, that  
5 simply the fact that you've put a pipeline in the ground  
6 would negate organic certification?

7           MR. KOENECKE: I'm going on memory from August,  
8 but that was the impression I was left with. When I read  
9 the literature from the agency and then compared it with  
10 the requests to use drop cloths under all welding and  
11 epoxy repair -- use a drop cloth under all of that, don't  
12 refuel on the property, don't -- there was two more that  
13 don't come to mind.

14           But if we did all of that, my reading of the  
15 literature was we still -- he was still going to be faced  
16 with the loss of his certification for the three-year  
17 period. They were going to let the same three years go.

18           And so then we sort of shrugged and said this  
19 isn't going to work out. Why would we do all of these  
20 things, and you still have the three years?

21           And then there was the additional question of  
22 it's a quarter section, 160 acres, that are owned.  
23 160 rods, you know, is a half-mile. We're using three or  
24 four rods for, you know, the long-term right of way and  
25 using what would it be? Almost 10. So that leaves the

1 balance, 150 rods, almost 15/16th of the quarter section  
2 unmolested by the pipeline project.

3 Well, at that point why would the certification  
4 be lost as to that? There were simply more questions  
5 than answers every time I opened this up. And we felt  
6 like we had adequately addressed with damages to the  
7 landowner who owns the property, and they were satisfied.  
8 What are we left to do here?

9 CHAIRMAN NELSON: And I certainly don't disagree  
10 with kind of the quagmire that this might leave us with,  
11 and certainly based on the record that's been established  
12 in this proceeding thus far I would agree with you that  
13 we probably don't have enough information to answer a lot  
14 of those questions. I wish we did, but I will readily  
15 admit that we probably don't.

16 Is it your understanding that you put the  
17 pipeline in the ground, after three years that there's an  
18 opportunity to regain certification for that property?

19 MR. KOENECKE: Yes. That was absolutely my  
20 understanding was that they look at the three years'  
21 usage, have you eliminated all of these sources of matter  
22 that we don't allow in an organic farm, and once you've  
23 certified that to your agency for the three years, they  
24 then, you know, grant to you this certification that,  
25 yes, your parcel is organic.

1           And, again, my reading of the literature -- I  
2 didn't call anybody and ask. I just looked at what they  
3 handed out or what they had on their website. There was  
4 no way for us to construct and comply and save the  
5 organic certification on that parcel. It seemed to be  
6 very arbitrary and very unforgiving as you might expect.

7           They want it organic for a reason and it's their  
8 reasons and they're going to hold that certification.  
9 The prices of crops from organic farms are substantially  
10 in excess of what's found on a farm that's not. So  
11 they're not going to hand that out willy-nilly. And I  
12 don't think we can comply with this as we sit here today.

13           I'd have to do some more research and briefing  
14 on this, but I don't see how -- I don't think we can  
15 construct and maintain the parcel as organic. I think  
16 those are mutually exclusive paths.

17           CHAIRMAN NELSON: If I were to remove this,  
18 would it be your understanding that you would certainly  
19 work with the landowner in those succeeding years to not  
20 apply any herbicides that would purposely extend that  
21 three-year period beyond what would be absolutely  
22 necessary?

23           MR. MAHMOUD: Absolutely, we would. And in this  
24 particular case we're going to do that. It's just we  
25 don't know -- again, absent a South Dakota Law or statute

1 or some form of definition in the state other than an  
2 independent agency for a farm certification, we don't  
3 know how to comply with that.

4 And I use Minnesota as an example just because  
5 they actually passed some organic certification statutes  
6 that -- specify how you become a certified organic farmer  
7 and what you have to do to maintain that. And the  
8 pipelines that you build in that state you actually have  
9 to construct with a very prescribed methodology so the  
10 farm does not lose its certification.

11 In this case we don't have those parameters to  
12 even know where to start. And the landowner, he  
13 essentially could not solve that either and say, well,  
14 they wanted the money for the easement so we settled with  
15 the landowner who accepted it and then we'll work with  
16 him in the future to regain that status as necessary.

17 CHAIRMAN NELSON: I appreciate that. And I also  
18 appreciate your highlighting to me the fact that, you  
19 know, to an extent this is a contractual issue between  
20 the landowner and the renter, and I appreciate your  
21 bringing that to light.

22 The gentleman that testified during the hearing  
23 that had the buffalo farm, buffalo pasture, and was  
24 hoping to move that towards organic or partially there,  
25 can you enlighten me there? Are you working with him to

1 obtain what he wants?

2 MR. KOENECKE: We are unable to work with him.  
3 He's represented by counsel. We have not signed an  
4 easement, and his counsel, as have others, have directed  
5 us not to have contact with him.

6 CHAIRMAN NELSON: Okay. Thank you.

7 I think that's all the questions I've got. I  
8 appreciate that.

9 I want to turn to staff. Have you all looked  
10 into this issue of organic? It wasn't in the Stipulated  
11 Conditions. Anything you can help me out with?

12 MS. EDWARDS: Sure. That was something we took  
13 a lot of interest in, and we ran up the flag pole several  
14 times just to figure out a way to accomplish that in a  
15 legally workable way. And I think the way that Brett has  
16 discussed it now is accurate.

17 And we have had contact with the landowner that  
18 he mentioned and we definitely sympathize with his  
19 situation and would like to find a way to protect him,  
20 but as Brett mentioned, the bottom line is the landowner  
21 signed the agreement. So even if a condition went in,  
22 would there be anybody to be benefited by it because the  
23 landowner's, I assume, already been paid. So it might  
24 just be, in the end, padding the pockets of somebody who  
25 already signed off and not helping the tenant at all.



1           CHAIRMAN NELSON: Thank you. I appreciate that  
2 commentary. And with that, I will remove my last  
3 paragraph from my proposed amendment.

4           Additional discussion on the amendment.

5           Seeing none, all those in favor of the Nelson  
6 amendments in green with the exception of that last  
7 paragraph will say aye; those opposed nay.

8           Commissioner Sattgast.

9           ACTING COMMISSIONER SATTGAST: Aye.

10          CHAIRMAN NELSON: Commissioner Hanson.

11          COMMISSIONER HANSON: Aye.

12          CHAIRMAN NELSON: And Nelson votes aye. The  
13 motion is further amended.

14          Further discussion on the main motion as  
15 amended.

16          Commissioner Hanson.

17          COMMISSIONER HANSON: Thank you. I believe this  
18 is the opportune time for me to make a motion. And I'm  
19 not going to take quite as long to explain my motion as  
20 you did yours. I do appreciate your comments, though.

21                 Is it all right if I make some comments  
22 preceding my motion, or would you prefer that I follow  
23 the rules of order and make all of them after I make the  
24 motion?

25          CHAIRMAN NELSON: Why don't you go ahead and

1 make the motion. I think we all understand. That will  
2 be fine.

3 COMMISSIONER HANSON: All right. Mr. Chairman,  
4 I move that in HP14-002 that to deny the permit because  
5 the proposed project does not comply with South Dakota  
6 Codified Law 49-41B-22, Applicant's burden of proof.

7 The Applicant --

8 CHAIRMAN NELSON: And excuse me. Just to  
9 clarify, that's a substitute motion; correct?

10 COMMISSIONER HANSON: Correct.

11 CHAIRMAN NELSON: Thank you.

12 COMMISSIONER HANSON: Which reads the Applicant  
13 has the burden of proof to establish that the facility  
14 will not pose a threat of serious injury to the  
15 environment nor to the social and economic condition of  
16 the inhabitants or expected inhabitants in the siting  
17 area in Subsection 2. And Subsection 4, the facility  
18 will not unduly interfere with the orderly development of  
19 the region, with due consideration having been given to  
20 views of governing bodies of affected local units of  
21 government.

22 And I would emphasize in Subsection 2 it states  
23 expected inhabitants as well, and that cannot be  
24 overlooked or emphasized enough.

25 With very little divergence, the representatives

1 of all of the parties conducted themselves in a very  
2 professional fashion. And they represented their clients  
3 admirably. We entertained some extraordinarily brilliant  
4 witnesses as well as some not so extraordinarily  
5 brilliant witnesses.

6 Some of the parties actually presented witnesses  
7 that contradicted their own witnesses, and this was on  
8 both sides of the fence, so to speak.

9 I'm very much appreciative of all of our staff  
10 for providing excellent, objective questions based upon  
11 their independent investigations as well as the several  
12 staff members who did such a magnificent job in  
13 coordinating the hearings and the entire docket  
14 proceedings.

15 I stated earlier that Rolayne Wiest is a real  
16 talent, and she did a terrific job of running the  
17 meetings in an impartial and technically skilled manner.  
18 None of these comments, of course, are directed towards  
19 the motion that I made.

20 I made the motion because while I agree that  
21 pipelines are safer than railroads and safer than trucks,  
22 at least that is, I think, provided in evidence and  
23 certainly to each one of our own experiences -- however,  
24 Dakota Access testified -- let me back up. When I say  
25 that I believe that pipelines are safer -- and I do not

1 intend through this motion to stop Dakota Access from  
2 eventually receiving their permit. I simply want it done  
3 right.

4 Dakota Access testified that the municipalities  
5 chose where the municipality wanted the pipeline. This  
6 was misleading. Under cross-examination Dakota Access  
7 testified that they actually only gave the municipalities  
8 different options of where the pipeline route would be  
9 located. This was paramount to do you wish to be shot in  
10 the foot or the leg.

11 Sioux Falls chose to have the line located 4 to  
12 5 miles from the city. This was the route option for  
13 them that was the farthest from the city. Harrisburg and  
14 Tea were not given a similar option. Harrisburg chose  
15 the option that was basically the lesser of two evils.  
16 Tea chose the option that was the farthest from the  
17 community.

18 However, testimony from the landowners showed  
19 that the properties in this area are not long from  
20 residential or commercial development, and the route  
21 borders the growth area of Tea.

22 The Harrisburg route is actually only a quarter  
23 mile from Harrisburg city limits. If Harrisburg and Tea  
24 were given an option to locate the pipeline an additional  
25 4 to 5 miles farther away from the city, there can be no

1 doubt that they would have chosen that option. However,  
2 they were not allowed that option.

3 Dakota Access actually tried to impress the  
4 Commission that the Harrisburg route was along the  
5 existing power line easement as if it would lessen the  
6 area of interference with Harrisburg. Surprisingly,  
7 Dakota Access presented this route next to a high voltage  
8 power line as being a good location for a high pressure  
9 pipeline carrying flammable hazardous liquids.

10 In five to 10 years I imagine citizens will be  
11 asking what were people thinking when they allowed a high  
12 pressure pipeline carrying flammable hazardous liquids to  
13 be built right next to a high voltage power line,  
14 directly in the path of the city's growth? This is the  
15 sort of thing we complain about Government bodies doing.

16 Dakota Access attempts to excuse this  
17 encroachment on municipalities by stating that pipelines  
18 already run through communities. Well, of course they  
19 do, but that is not because communities are inviting them  
20 to do so. It's because they needed to be built in these  
21 locations at the time they were built.

22 For instance, railroads dissect urban areas as  
23 well but not because people still want them to. Millions  
24 of dollars are being spent to remove them, to reroute  
25 them. We should not build this type of infrastructure

1 close to highly populated areas or areas in the path of  
2 economic growth unless it is necessary to do so.

3 And, in fact, in this instance it is not  
4 necessary. It is a fact that the Dakota Access Pipeline  
5 does not need to be built through this proposed corridor.  
6 The Dakota Access witnesses actually testified that the  
7 pipeline does not need to be built in this location.

8 When witnesses for the Applicant were asked are  
9 you aware if there is a need for routing the pipeline so  
10 close to the highest populated and highest economic  
11 growth area in South Dakota, witness after witness after  
12 witness for Dakota Access answered no.

13 Additionally, the witnesses admitted that the  
14 route was dictated by their desire for the shortest  
15 distance. The relative cost of rerouting this pipeline  
16 farther away from this growth area is pennies to the  
17 dollar for a multibillion dollar pipeline.

18 Dakota Access also testified that one of the  
19 criteria is for the route to affect the fewest  
20 landowners. This fact alone should disqualify the  
21 Dakota Access from the proposed route. For a pipeline  
22 that is expected to last for significantly longer than  
23 100 years the number of landowners on the proposed route  
24 will increase dramatically.

25 Dakota Access witnesses testified that they know

1 of no environmental reason why the route could not be  
2 moved farther away from Harrisburg and Tea.

3 Dakota Access also implied that the policy  
4 members of the communities were engaged in the decisions  
5 of the pipeline's route. No doubt some were. However,  
6 the correspondence from Mayor John Lawlor of Tea on  
7 October 9, 2015, certainly dispelled the allegory that  
8 this was a universal practice.

9 No one can deny that the proposed route goes  
10 through the heart of the highest populated and highest  
11 economic growth area of South Dakota. And Dakota Access  
12 has testified that it does not need to be located there.  
13 It is easy to conclude then that it should not be located  
14 there.

15 It is not my intent to keep this pipeline from  
16 being built. As I said before, I just want it done  
17 right. This action will not stop the pipeline from being  
18 built.

19 And I say that because under South Dakota  
20 Codified Law 49-41B-22.1 there is a reapplication for  
21 permit regarding the Applicant's burden of proof, and  
22 that states in part that when a -- and I'll paraphrase,  
23 that when a permit is previously denied, upon the first  
24 such reapplication the Applicant shall have the burden of  
25 proof to establish only those criteria upon which the

1 original permit was denied, providing that nothing in the  
2 reapplication materially changes the information  
3 presented in the original application regarding those  
4 criteria upon which the original permit was not denied.

5 So basically upon the discretion of the  
6 Commission we can allow the Applicant to come back once  
7 they have properly routed the pipeline, and that would be  
8 the only thing they would need to prove. They would not  
9 need to go through the entire process again.

10 But we do not have the statutory authority to  
11 route the pipeline. And I fully agree with that. We  
12 should never have the Public Utilities Commissioners  
13 routing a pipeline. That is what this docket is all  
14 about; routing the pipeline, whether or not we agree with  
15 the route of the pipeline under the criteria that is set  
16 forth in South Dakota Law.

17 We do have the authority to deny, accept, or  
18 accept with conditions, and we have the responsibility to  
19 protect the citizens of South Dakota.

20 Mr. Chairman, I have additional remarks that I  
21 wish to make that are relative to the motion, but I wish  
22 to make them at a later time.

23 CHAIRMAN NELSON: Additional discussion on the  
24 substitute motion to deny.

25 Commissioner Sattgast.



1           ACTING COMMISSIONER SATTGAST:  Yes,  
2  Mr. Chairman.  May I ask a question of staff on this?

3           CHAIRMAN NELSON:  Certainly.

4           ACTING COMMISSIONER SATTGAST:  Would  
5  Commissioner Hanson's interpretation here of shall the  
6  Commission grant, deny, or grant with conditions and his  
7  interpretation of that we're denying based upon the  
8  route, does that conflict with state law as far as us not  
9  being able to suggest routes?

10          MS. EDWARDS:  It wouldn't in that it's not  
11  actually denied -- as I understand his explanation, it's  
12  not denied based on the route; it's denied based on  
13  unduly interfering with development in the area and  
14  limited to the area of, I assume, Lincoln and Minnehaha  
15  Counties.

16          So they would reapply and come back, and their  
17  burden of proof would be to prove that they didn't unduly  
18  interfere in Lincoln and Minnehaha Counties and the  
19  remainder of the route would be not in issue.

20          ACTING COMMISSIONER SATTGAST:  This is Acting  
21  Commissioner Sattgast here.

22          I have some concerns, I guess, with some of the  
23  points that were made here, especially concerning growth  
24  areas and future growth areas.

25          I would like to think that certain areas have

1 great potential for growth and so expanding beyond what  
2 we currently see as bordering on growth areas I think  
3 will eventually always be bordering on growth areas  
4 especially in a pipeline that's going to exceed a number  
5 of years beyond the lifetime of us as South Dakotans.

6 So my deliberations are at this point very  
7 trying. I'm working through this with respect to what  
8 Commissioner Hanson stated.

9 CHAIRMAN NELSON: Additional discussion.

10 COMMISSIONER HANSON: If I could just add,  
11 Mr. Chairman, I do agree completely with counsel's  
12 interpretation of what the discussion was, that it would  
13 only apply to that area.

14 And to Commissioner Sattgast's concern, from my  
15 standpoint it's in the immediate growth area. And it  
16 simply has to be routed so that it does not affect the  
17 immediate growth area.

18 There was testimony that --

19 You're coming across on the Commission --  
20 whoever's speaking. It sounds like Mr. Rappold. I'm not  
21 certain.

22 It would only -- we had testimony at the hearing  
23 that people were anticipating development in several of  
24 these locations. And it's -- it is interfering with the  
25 Nortec property. And my subsequent comments will regard

1 that to an extent. However, I don't want to flavor the  
2 motion with those comments.

3 But my concern is that, yes, there will be  
4 development in different parts of the state. However, we  
5 can easily see and we have had testimony that there will  
6 be development in these areas. And it's the highest  
7 growth area, economic and population growth area, of the  
8 state. So just from that standpoint it just needs to,  
9 from my stand, be moved a distance away.

10 CHAIRMAN NELSON: Additional discussion.

11 I'd just make two points. And I guess these are  
12 more reiteration of some points that I had made earlier.  
13 Obviously, the concern that Commissioner Hanson raises is  
14 one that I think all three of us have wrestled with from  
15 the beginning.

16 But as I came to my decision point, there were  
17 two things that really weighed me to go the direction  
18 that I did. And the first is local municipalities have  
19 the ability -- those locally affected officials have the  
20 ability to define their growth areas. And the company in  
21 routing the pipeline from what I can tell has avoided  
22 those areas.

23 Secondly, local units of government, their  
24 locally elected officials, have the ability to intervene  
25 in this process. Harrisburg did not. Tea did not.

1 Lincoln County did and didn't offer a word. The City of  
2 Sioux Falls did, and their sole concern was how the  
3 pipeline related to their landfill and were willing to  
4 negotiate an acceptable settlement in that area.

5 And so I give great credence and weight to the  
6 views of those local units of government, and they were  
7 silent. And so I struggle with how can I say that I know  
8 better than them where their growth might be and how this  
9 might impact that growth. I struggle with that, and that  
10 drove me to conclude that we were not unduly burdening  
11 the growth of that area.

12 Additional discussion.

13 Commissioner Hanson.

14 COMMISSIONER HANSON: Thank you.

15 It's true that the line was not in the growth  
16 area of Tea, but it was moved to the very edge of that  
17 growth area, the very edge of it. And to an extent  
18 that's where a municipality has the opportunity to argue  
19 whether or not it's encumbering their community. So it  
20 was moved outside of that sphere, so to speak, for them  
21 to argue from it.

22 Sioux Falls did object. The line was moved 4 to  
23 5 miles away from the community. So the only concern  
24 they had at that juncture was the landfill. And they  
25 have subsequently had a three- or four-page agreement

1 prepared on that. So their concerns were taken care of.

2 But the silence of Harrisburg does not relieve  
3 us of our responsibility to protect the citizens when we  
4 know that we are that last bastion of protection for  
5 them.

6 There's a feeling that permeates -- and I've  
7 been in local Government a long time. There's a feeling  
8 that permeates a group. And you've been with many  
9 different groups that are highly influenced by a few  
10 individuals or by what they perceive as a wave of  
11 individuals. And elected officials occasionally need to  
12 be saved from themselves.

13 I've been there. And the personality of five  
14 people, of a five-member group, changes as the people  
15 change. And they are influenced, some of them wholly, by  
16 a few very influential business people or what is  
17 perceived as a chamber of commerce sort of attitude.

18 And people don't like to be castigated. People  
19 don't like to see that they are the opponent, that they  
20 are the ones that's keeping this from happening, they're  
21 anti-growth, they're opposed to the city moving forward  
22 because they're anti all of a sudden.

23 We still have the responsibility to protect  
24 those citizens when we can see -- and they lay it on our  
25 doorstep. Fine. We're big enough to carry it. But in

1 this particular situation their silence does not change  
2 the fact that we know that this is the highest growth  
3 area, economic and population, in the State of South  
4 Dakota. We know that.

5 And we also know that it does not need to be  
6 there. The Dakota Access testified it does not need to  
7 be there. So why should we locate it there when it is so  
8 inexpensive to have them simply move it. It's not a huge  
9 challenge. Like I say, on a multibillion dollar project  
10 this is pennies to the dollar.

11 Nothing has been constructed yet. They've laid  
12 a lot of pipe out apparently in different areas, but all  
13 they have to do is draw the -- the lines originally were  
14 drawn so sophomorically that, yeah, it looks like a great  
15 improvement from what they did afterwards. But that  
16 doesn't mean that it should change our position that this  
17 needs to be done right. And this simply is not the right  
18 way to do it.

19 CHAIRMAN NELSON: Additional discussion.

20 Hearing no additional discussion, we will  
21 proceed to vote on the substitute motion to deny the  
22 permit.

23 Those in favor of the substitute motion to deny  
24 will vote aye; those opposed nay.

25 Acting Commissioner Sattgast.

1           ACTING COMMISSIONER SATTGAST:   Nay.

2           CHAIRMAN NELSON:   Commissioner Hanson.

3           COMMISSIONER HANSON:   Aye.

4           CHAIRMAN NELSON:   And Nelson votes nay.   The  
5 substitute motion fails.

6           We are now back to the main motion to grant the  
7 permit with the conditions as amended.

8           Additional discussion on that motion.

9           COMMISSIONER HANSON:   Mr. Chairman.

10          CHAIRMAN NELSON:   Commissioner Hanson.

11          COMMISSIONER HANSON:   This is a statement that I  
12 did not want to flavor the previous motion.

13          Dakota Access is a new corporate citizen of  
14 South Dakota.   Agreements between Dakota Access and  
15 landowners and conditions set by the Commission will have  
16 numerous -- have numerous references to Dakota Access  
17 agreeing to work with the landowners to resolve a variety  
18 of potentially contentious construction issues.

19          Dakota Access has not shown to this Commissioner  
20 that they are capable of fulfilling that responsibility.  
21 Dakota Access's very own actions have, in fact, clearly  
22 shown a disrespect for the concerns of many landowners.  
23 Bringing lawsuits against the citizens of South Dakota  
24 prior to receiving a citing permit is reprehensible.  
25 Requesting permission to survey and conducting surveys

1 where landowners' permission has been granted is totally  
2 reasonable and all that was necessary. However, suing  
3 the citizens of South Dakota when Dakota Access does not  
4 even have a siting permit for the location of the  
5 pipeline was abusive.

6           Obtaining a survey on those properties was not  
7 even necessary prior to the permit process. A  
8 multibillion dollar out-of-state corporation trampling on  
9 the property rights of South Dakota citizens is not  
10 trivial.

11           Throughout the hearings Dakota Access spoke of  
12 how they would work with landowners. However, suing the  
13 landowners and actually repeatedly suing landowners when  
14 there is not even a need to sue does not show us a  
15 corporation that is willing to work with the landowners.  
16 This makes me suspect of the willingness to negotiate  
17 with our landowners, including Nortec. This is not good  
18 corporate citizenship.

19           Dakota Access's actions, their own actions, are  
20 clear evidence, evidence of a corporation that does not  
21 give a great deal of care for the people whose property  
22 they are crossing.

23           I will not have the authority to order  
24 Dakota Access and neither does this Commission. However,  
25 I believe Dakota Access should apologize to each



1 landowner that they sued prior to receiving a permit, and  
2 they should reimburse those landowners for the legal  
3 costs the landowners incurred opposing the lawsuits.

4 Although Dakota Access has not shown great  
5 corporate citizenship in that respect up to this  
6 juncture, they did present a great deal of professional  
7 expertise, and they still have that opportunity to prove  
8 themselves as being good corporate citizens. I hope that  
9 they will.

10 CHAIRMAN NELSON: Additional discussion on the  
11 motion.

12 Commissioner Sattgast.

13 ACTING COMMISSIONER SATTGAST: Nearly a year ago  
14 I received a phone call from the Governor asking if I  
15 would consider filling in on this docket. And with great  
16 thought in mind I worked through that and accepted this  
17 position.

18 I've worked six years for local Government as  
19 Director for Association of Counties so I do believe  
20 having worked for them that there is a voice at the local  
21 level. I know sometimes they can be swayed. Typically,  
22 though, it is -- more than not it's in the best interest  
23 of their local citizens. And as has been pointed out,  
24 the local governments were silent, and I believe that  
25 that silence was that they had not heard from their local

1 citizens that there was opposition or great opposition to  
2 this within their communities or near their communities.

3 I think that Dakota Access has met its burden.  
4 I think that in the interests of the people of  
5 South Dakota, as well as this nation I think Dakota  
6 Access will be good stewards. And so with that, I will  
7 be supporting this motion.

8 CHAIRMAN NELSON: Additional discussion.

9 Let me just play off of perhaps Commissioner  
10 Hanson's last comments. And, again, from my background  
11 as a South Dakota landowner, I would probably share some  
12 of the frustration that Commissioner Hanson has talked  
13 about in how you all have had to deal with or chosen to  
14 deal with some of the landowners.

15 And if this motion passes, I implore you to do  
16 everything you can to make things work for those  
17 landowners, including the Stofferahn situation so they  
18 can go about their businesses they need to.

19 Additional discussion.

20 Commissioner Hanson.

21 COMMISSIONER HANSON: Thank you, Mr. Chairman.

22 During this process we began this process with  
23 numerous hearings across the State of South Dakota. We  
24 heard from hundreds of citizens who were opposed to and  
25 concerned with the ramifications of a pipeline being

1 built through their properties, past their communities.

2 The Sioux Falls hearing alone had -- of course,  
3 it was the largest. I believe it had somewhere around  
4 400 people there. And it lasted so long that -- and  
5 caused us to actually open up areas for additional  
6 seating there were so many people.

7 There were very few people who are in favor of  
8 this pipeline. There were a lot of people there just to  
9 have questions answered. However, by far, the testimony  
10 across the State of South Dakota was in opposition to  
11 this pipeline.

12 I believe there was good reason for them to be  
13 concerned, especially with the fact of the lawsuits. And  
14 I am, of course, disappointed that we are not able to  
15 correct what I see as a major problem with this pipeline.

16 I would suspect that this -- there were parties  
17 who stated that they will be appealing this to the court  
18 system in the State of South Dakota, and I know that my  
19 remarks will be a part of that process. And I hope that  
20 somehow along the line the shortcomings of this project  
21 will be corrected so that we do not live to regret our  
22 actions here.

23 Thank you, Mr. Chairman.

24 CHAIRMAN NELSON: Additional discussion.

25 Seeing none, all those in favor of the motion to

1 grant the permit with the conditions as amended will vote  
2 aye; those opposed nay.

3 Commissioner Sattgast.

4 ACTING COMMISSIONER SATTGAST: Aye.

5 CHAIRMAN NELSON: Commissioner Hanson.

6 COMMISSIONER HANSON: No.

7 CHAIRMAN NELSON: Nelson votes aye.

8 The motion carries.

9 I believe we have one additional question. I  
10 would move that we grant the Joint Motion regarding the  
11 Stipulated Findings of Fact, Conditions, and Exhibits as  
12 requested by the City of Sioux Falls and Dakota Access.

13 Discussion on the motion.

14 Hearing none, all those in favor will vote aye;  
15 those opposed nay.

16 Commissioner Sattgast.

17 ACTING COMMISSIONER SATTGAST: Aye.

18 CHAIRMAN NELSON: Commissioner Hanson.

19 COMMISSIONER HANSON: Aye.

20 CHAIRMAN NELSON: Nelson votes aye.

21 Motion carries.

22 With that, is there a motion to adjourn?

23 ACTING COMMISSIONER SATTGAST: So moved.

24 CHAIRMAN NELSON: Moved to adjourn.

25 All those in favor will vote aye; those opposed

1     nay.

2             Commissioner Sattgast.

3             ACTING COMMISSIONER SATTGAST:   Aye.

4             CHAIRMAN NELSON:   Commissioner Hanson.

5             COMMISSIONER HANSON:   Aye.

6             CHAIRMAN NELSON:   Nelson votes aye.

7             We are adjourned.

8                     (The proceeding is concluded.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF SOUTH DAKOTA)

2 :SS

CERTIFICATE

3 COUNTY OF SULLY )

4

5 I, CHERI MCCOMSEY WITTLER, a Registered  
6 Professional Reporter, Certified Realtime Reporter and  
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed  
9 shorthand reporter, I took in shorthand the proceedings  
10 had in the above-entitled matter on the 30th day of  
11 November, 2015, and that the attached is a true and  
12 correct transcription of the proceedings so taken.

13 Dated at Onida, South Dakota this 10th day of  
14 December, 2015.

15

16

17

18

Cheri McComsey Wittler,  
Notary Public and  
Registered Professional Reporter  
Certified Realtime Reporter

19

20

21

22

23

24

25

<p style="text-align: center;"><b>1</b></p> <p>10 [2] - 52:25, 61:10  100 [2] - 25:15, 62:23  10th [1] - 78:13  14 [1] - 32:6  15-minute [2] - 38:11, 38:20  15/16th [1] - 53:1  150 [1] - 53:1  16 [1] - 43:10  160 [2] - 52:22, 52:23  16A [1] - 40:6  16B [4] - 37:25, 39:14, 40:8, 40:13  17 [2] - 36:7, 37:1  17-page [2] - 35:13, 36:5</p>	<p>58:6  <b>49-41B-22.1</b> [1] - 63:20  <b>49-41B-24</b> [1] - 2:11</p> <p style="text-align: center;"><b>5</b></p> <p>5 [3] - 60:12, 60:25, 68:23  51 [1] - 30:1  52 [1] - 30:1  55 [5] - 16:10, 16:19, 16:22, 16:24, 17:6</p> <p style="text-align: center;"><b>7</b></p> <p>7 [2] - 37:25, 39:13  7:12 [1] - 10:15</p>	<p><b>access</b> [2] - 5:15, 44:6  <b>ACCESS</b> [2] - 1:4, 1:5  <b>Access</b> [46] - 2:6, 2:7, 2:10, 2:14, 3:10, 6:13, 13:7, 20:15, 23:25, 24:1, 25:17, 26:4, 45:3, 45:6, 45:10, 46:14, 46:18, 46:20, 59:24, 60:1, 60:4, 60:6, 61:3, 61:7, 61:16, 62:4, 62:6, 62:12, 62:18, 62:21, 62:25, 63:3, 63:11, 70:6, 71:13, 71:14, 71:16, 71:19, 72:3, 72:11, 72:24, 72:25, 73:4, 74:3, 74:6, 76:12  <b>Access's</b> [2] - 71:21, 72:19  <b>accomplish</b> [1] - 56:14  <b>accomplishing</b> [1] - 34:15  <b>accuracy</b> [1] - 30:18  <b>accurate</b> [3] - 6:25, 8:12, 56:16  <b>acknowledgment</b> [1] - 34:17  <b>acreage</b> [3] - 7:16, 8:6, 49:23  <b>acres</b> [1] - 52:22  <b>acting</b> [3] - 2:2, 65:20, 70:25  <b>ACTING</b> [16] - 1:12, 16:6, 16:12, 16:16, 38:18, 42:2, 57:9, 65:1, 65:4, 65:20, 71:1, 73:13, 76:4, 76:17, 76:23, 77:3  <b>action</b> [1] - 63:17  <b>actions</b> [4] - 71:21, 72:19, 75:22  <b>activities</b> [2] - 44:16, 44:19  <b>actual</b> [4] - 8:14, 9:20, 9:23, 15:12  <b>Adam</b> [1] - 1:15  <b>add</b> [2] - 43:11, 66:10  <b>added</b> [3] - 45:6, 46:8, 46:12  <b>adding</b> [1] - 41:24  <b>addition</b> [2] - 19:20, 24:8  <b>additional</b> [24] - 4:6, 23:20, 41:7, 41:8, 41:14, 42:13, 45:11, 52:21, 57:4, 60:24, 64:20, 64:23, 66:9, 67:10, 68:12, 70:19,</p>	<p>70:20, 71:8, 73:10, 74:8, 74:19, 75:5, 75:24, 76:9  <b>additionally</b> [1] - 62:13  <b>additions</b> [1] - 41:10  <b>address</b> [3] - 9:8, 27:10, 32:20  <b>addressed</b> [1] - 53:6  <b>adequate</b> [2] - 21:9, 42:22  <b>adequately</b> [2] - 47:3, 53:6  <b>adjourn</b> [2] - 76:22, 76:24  <b>adjourned</b> [1] - 77:7  <b>adjudicate</b> [1] - 25:23  <b>adjustments</b> [1] - 37:23  <b>admirably</b> [1] - 59:3  <b>admired</b> [1] - 30:5  <b>admit</b> [2] - 17:17, 53:15  <b>admitted</b> [1] - 62:13  <b>aerial</b> [1] - 40:19  <b>affect</b> [3] - 28:9, 62:19, 66:16  <b>affected</b> [9] - 9:12, 25:1, 27:6, 28:25, 29:1, 29:18, 35:12, 58:20, 67:19  <b>afterwards</b> [3] - 8:11, 49:16, 70:15  <b>agencies</b> [2] - 48:22, 48:25  <b>agency</b> [6] - 48:14, 48:22, 49:7, 52:9, 53:23, 55:2  <b>ago</b> [3] - 19:9, 48:1, 73:13  <b>agree</b> [8] - 11:2, 41:18, 51:13, 53:12, 59:20, 64:11, 64:14, 66:11  <b>agreed</b> [2] - 23:10, 43:14  <b>agreeing</b> [1] - 71:17  <b>agreement</b> [4] - 23:12, 23:15, 56:21, 68:25  <b>agreements</b> [1] - 71:14  <b>ahead</b> [3] - 16:4, 31:9, 57:25  <b>Ailts</b> [1] - 1:14  <b>alleging</b> [1] - 11:25  <b>allegory</b> [1] - 63:7  <b>allow</b> [4] - 5:14, 36:10, 53:22, 64:6  <b>allowed</b> [2] - 61:2, 61:11</p>	<p><b>allows</b> [1] - 26:10  <b>almost</b> [2] - 52:25, 53:1  <b>alone</b> [2] - 62:20, 75:2  <b>amend</b> [1] - 43:1  <b>amended</b> [6] - 42:6, 42:8, 57:13, 57:15, 71:7, 76:1  <b>amending</b> [1] - 41:23  <b>Amendment</b> [1] - 35:13  <b>amendment</b> [12] - 36:5, 38:2, 38:8, 38:9, 38:24, 40:25, 41:5, 43:3, 43:6, 47:5, 57:3, 57:4  <b>amendments</b> [25] - 24:9, 24:11, 24:14, 24:16, 28:20, 35:9, 35:14, 36:6, 36:11, 36:15, 36:17, 37:2, 37:20, 39:1, 39:4, 41:3, 41:16, 41:24, 42:9, 42:10, 42:12, 42:13, 43:2, 47:2, 57:6  <b>amicable</b> [1] - 5:3  <b>AN</b> [1] - 1:4  <b>analyzed</b> [1] - 21:8  <b>ancestral</b> [1] - 5:17  <b>answer</b> [7] - 8:1, 31:4, 31:9, 32:11, 39:7, 47:20, 53:13  <b>answered</b> [2] - 62:12, 75:9  <b>answers</b> [1] - 53:5  <b>anti</b> [3] - 50:6, 69:21, 69:22  <b>anti-growth</b> [1] - 69:21  <b>anticipating</b> [2] - 37:9, 66:23  <b>anticipation</b> [1] - 2:21  <b>anyway</b> [1] - 4:1  <b>apartment</b> [1] - 30:4  <b>apologize</b> [3] - 22:15, 24:4, 72:25  <b>appealing</b> [1] - 75:17  <b>applicable</b> [3] - 26:22, 36:18, 39:5  <b>Applicant</b> [9] - 23:11, 26:12, 31:20, 47:14, 58:7, 58:12, 62:8, 63:24, 64:6  <b>Applicant's</b> [3] - 26:15, 58:6, 63:21  <b>application</b> [3] - 2:5, 32:4, 64:3  <b>APPLICATION</b> [1] - 1:4</p>
<p style="text-align: center;"><b>2</b></p> <p>2 [3] - 43:21, 58:17, 58:22  2,000 [3] - 9:16, 11:3, 11:11  2014 [1] - 19:21  2015 [4] - 1:8, 63:7, 78:11, 78:14  24 [1] - 44:2  25 [1] - 40:15  27 [1] - 11:23  28 [1] - 12:16  29 [1] - 44:12</p>	<p style="text-align: center;"><b>8</b></p> <p>8 [2] - 51:5, 51:8  80 [1] - 49:22  85 [1] - 16:14</p> <p style="text-align: center;"><b>9</b></p> <p>9 [3] - 6:18, 20:24, 63:7  91.72 [1] - 50:9  92 [1] - 50:10</p>	<p style="text-align: center;"><b>A</b></p> <p><b>ability</b> [3] - 67:19, 67:20, 67:24  <b>able</b> [7] - 5:17, 11:18, 28:10, 40:21, 44:10, 65:9, 75:14  <b>aboriginal</b> [6] - 4:11, 4:14, 4:17, 5:1, 5:12, 5:13  <b>above-entitled</b> [1] - 78:10  <b>absent</b> [1] - 54:25  <b>absolute</b> [3] - 4:16, 4:25, 28:11  <b>absolutely</b> [7] - 11:5, 13:13, 14:2, 30:10, 53:19, 54:21, 54:23  <b>abundantly</b> [1] - 9:15  <b>abusive</b> [1] - 72:5  <b>accept</b> [2] - 64:17, 64:18  <b>acceptable</b> [1] - 68:4  <b>accepted</b> [2] - 55:15, 73:16</p>	<p><b>affected</b> [9] - 9:12, 25:1, 27:6, 28:25, 29:1, 29:18, 35:12, 58:20, 67:19  <b>afterwards</b> [3] - 8:11, 49:16, 70:15  <b>agencies</b> [2] - 48:22, 48:25  <b>agency</b> [6] - 48:14, 48:22, 49:7, 52:9, 53:23, 55:2  <b>ago</b> [3] - 19:9, 48:1, 73:13  <b>agree</b> [8] - 11:2, 41:18, 51:13, 53:12, 59:20, 64:11, 64:14, 66:11  <b>agreed</b> [2] - 23:10, 43:14  <b>agreeing</b> [1] - 71:17  <b>agreement</b> [4] - 23:12, 23:15, 56:21, 68:25  <b>agreements</b> [1] - 71:14  <b>ahead</b> [3] - 16:4, 31:9, 57:25  <b>Ailts</b> [1] - 1:14  <b>alleging</b> [1] - 11:25  <b>allegory</b> [1] - 63:7  <b>allow</b> [4] - 5:14, 36:10, 53:22, 64:6  <b>allowed</b> [2] - 61:2, 61:11</p>	<p><b>ability</b> [3] - 67:19, 67:20, 67:24  <b>able</b> [7] - 5:17, 11:18, 28:10, 40:21, 44:10, 65:9, 75:14  <b>aboriginal</b> [6] - 4:11, 4:14, 4:17, 5:1, 5:12, 5:13  <b>above-entitled</b> [1] - 78:10  <b>absent</b> [1] - 54:25  <b>absolute</b> [3] - 4:16, 4:25, 28:11  <b>absolutely</b> [7] - 11:5, 13:13, 14:2, 30:10, 53:19, 54:21, 54:23  <b>abundantly</b> [1] - 9:15  <b>abusive</b> [1] - 72:5  <b>accept</b> [2] - 64:17, 64:18  <b>acceptable</b> [1] - 68:4  <b>accepted</b> [2] - 55:15, 73:16</p>
<p style="text-align: center;"><b>3</b></p> <p>3 [2] - 43:21, 44:1  30 [4] - 1:8, 40:16, 40:17, 40:25  300 [2] - 6:21, 7:15  30th [1] - 78:10  34 [1] - 15:8  35 [2] - 40:14, 40:16  350-feet-wide [1] - 49:18  370 [1] - 12:12  370.5 [1] - 12:20  39 [1] - 45:2  3:00 [1] - 38:21</p>	<p style="text-align: center;"><b>A</b></p> <p><b>ability</b> [3] - 67:19, 67:20, 67:24  <b>able</b> [7] - 5:17, 11:18, 28:10, 40:21, 44:10, 65:9, 75:14  <b>aboriginal</b> [6] - 4:11, 4:14, 4:17, 5:1, 5:12, 5:13  <b>above-entitled</b> [1] - 78:10  <b>absent</b> [1] - 54:25  <b>absolute</b> [3] - 4:16, 4:25, 28:11  <b>absolutely</b> [7] - 11:5, 13:13, 14:2, 30:10, 53:19, 54:21, 54:23  <b>abundantly</b> [1] - 9:15  <b>abusive</b> [1] - 72:5  <b>accept</b> [2] - 64:17, 64:18  <b>acceptable</b> [1] - 68:4  <b>accepted</b> [2] - 55:15, 73:16</p>	<p>30 [4] - 1:8, 40:16, 40:17, 40:25  300 [2] - 6:21, 7:15  30th [1] - 78:10  34 [1] - 15:8  35 [2] - 40:14, 40:16  350-feet-wide [1] - 49:18  370 [1] - 12:12  370.5 [1] - 12:20  39 [1] - 45:2  3:00 [1] - 38:21</p>	<p><b>ability</b> [3] - 67:19, 67:20, 67:24  <b>able</b> [7] - 5:17, 11:18, 28:10, 40:21, 44:10, 65:9, 75:14  <b>aboriginal</b> [6] - 4:11, 4:14, 4:17, 5:1, 5:12, 5:13  <b>above-entitled</b> [1] - 78:10  <b>absent</b> [1] - 54:25  <b>absolute</b> [3] - 4:16, 4:25, 28:11  <b>absolutely</b> [7] - 11:5, 13:13, 14:2, 30:10, 53:19, 54:21, 54:23  <b>abundantly</b> [1] - 9:15  <b>abusive</b> [1] - 72:5  <b>accept</b> [2] - 64:17, 64:18  <b>acceptable</b> [1] - 68:4  <b>accepted</b> [2] - 55:15, 73:16</p>	<p><b>ability</b> [3] - 67:19, 67:20, 67:24  <b>able</b> [7] - 5:17, 11:18, 28:10, 40:21, 44:10, 65:9, 75:14  <b>aboriginal</b> [6] - 4:11, 4:14, 4:17, 5:1, 5:12, 5:13  <b>above-entitled</b> [1] - 78:10  <b>absent</b> [1] - 54:25  <b>absolute</b> [3] - 4:16, 4:25, 28:11  <b>absolutely</b> [7] - 11:5, 13:13, 14:2, 30:10, 53:19, 54:21, 54:23  <b>abundantly</b> [1] - 9:15  <b>abusive</b> [1] - 72:5  <b>accept</b> [2] - 64:17, 64:18  <b>acceptable</b> [1] - 68:4  <b>accepted</b> [2] - 55:15, 73:16</p>
<p style="text-align: center;"><b>4</b></p> <p>4 [4] - 58:17, 60:11, 60:25, 68:22  400 [1] - 75:4  47 [1] - 46:8  49-41B-22 [2] - 26:16,</p>	<p>4 [4] - 58:17, 60:11, 60:25, 68:22  400 [1] - 75:4  47 [1] - 46:8  49-41B-22 [2] - 26:16,</p>	<p>4 [4] - 58:17, 60:11, 60:25, 68:22  400 [1] - 75:4  47 [1] - 46:8  49-41B-22 [2] - 26:16,</p>	<p>4 [4] - 58:17, 60:11, 60:25, 68:22  400 [1] - 75:4  47 [1] - 46:8  49-41B-22 [2] - 26:16,</p>	<p>4 [4] - 58:17, 60:11, 60:25, 68:22  400 [1] - 75:4  47 [1] - 46:8  49-41B-22 [2] - 26:16,</p>

<p><b>application's</b> [1] - 8:11  <b>applied</b> [1] - 47:19  <b>apply</b> [2] - 54:20, 66:13  <b>appointed</b> [1] - 78:8  <b>appreciate</b> [19] - 3:5, 5:6, 10:21, 11:20, 18:15, 21:1, 22:24, 23:2, 24:24, 25:14, 41:6, 41:11, 52:1, 55:17, 55:18, 55:20, 56:8, 57:1, 57:20  <b>appreciative</b> [1] - 59:9  <b>approaching</b> [1] - 34:12  <b>appropriate</b> [2] - 22:6, 22:8  <b>approve</b> [1] - 38:1  <b>approved</b> [2] - 38:1, 43:6  <b>arbitrary</b> [1] - 54:6  <b>area</b> [29] - 15:23, 19:16, 26:25, 27:20, 27:24, 28:12, 28:15, 30:2, 30:5, 32:3, 58:17, 60:19, 60:21, 61:6, 62:11, 62:16, 63:11, 65:13, 65:14, 66:13, 66:15, 66:17, 67:7, 68:4, 68:11, 68:16, 68:17, 70:3  <b>areas</b> [16] - 27:12, 27:16, 27:17, 61:22, 62:1, 65:24, 65:25, 66:2, 66:3, 67:6, 67:20, 67:22, 70:12, 75:5  <b>argue</b> [2] - 68:18, 68:21  <b>argument</b> [2] - 4:15, 29:11  <b>arisen</b> [1] - 27:9  <b>arrived</b> [1] - 24:20  <b>association</b> [1] - 73:19  <b>Association</b> [1] - 23:9  <b>assume</b> [2] - 56:23, 65:14  <b>assuming</b> [1] - 37:14  <b>assumptions</b> [4] - 31:15, 31:17, 31:21, 31:23  <b>assurances</b> [1] - 32:7  <b>assure</b> [1] - 37:16  <b>assured</b> [1] - 7:9  <b>attached</b> [1] - 78:11  <b>attachment</b> [1] - 12:16  <b>attachments</b> [1] - 5:16  <b>attempt</b> [1] - 17:19</p>	<p><b>attempts</b> [1] - 61:16  <b>attend</b> [1] - 11:17  <b>attitude</b> [1] - 69:17  <b>attorney</b> [1] - 19:13  <b>attractive</b> [1] - 30:11  <b>audience</b> [2] - 24:17, 42:25  <b>August</b> [1] - 52:7  <b>authority</b> [8] - 28:17, 28:19, 31:24, 31:25, 32:12, 64:10, 64:17, 72:23  <b>available</b> [1] - 39:16  <b>avoid</b> [1] - 16:25  <b>avoided</b> [1] - 67:21  <b>aware</b> [8] - 7:18, 16:3, 17:5, 17:8, 17:10, 17:15, 17:20, 62:9  <b>awkward</b> [1] - 12:2  <b>aye</b> [25] - 38:14, 38:16, 38:18, 38:19, 41:24, 42:2, 42:4, 42:5, 57:7, 57:9, 57:11, 57:12, 70:24, 71:3, 76:2, 76:4, 76:7, 76:14, 76:17, 76:19, 76:20, 76:25, 77:3, 77:5, 77:6</p>	<p><b>behalf</b> [1] - 4:8  <b>behind</b> [2] - 19:24  <b>belongs</b> [2] - 8:7, 47:24  <b>beloved</b> [1] - 25:18  <b>benefit</b> [1] - 2:16  <b>benefited</b> [1] - 56:22  <b>best</b> [2] - 34:2, 73:22  <b>bet</b> [1] - 23:18  <b>better</b> [2] - 34:5, 68:8  <b>between</b> [7] - 23:10, 24:1, 28:24, 37:4, 46:3, 55:19, 71:14  <b>beyond</b> [6] - 24:16, 41:13, 46:9, 54:21, 66:1, 66:5  <b>big</b> [2] - 30:20, 69:25  <b>bigger</b> [1] - 8:1  <b>binding</b> [1] - 21:9  <b>Bird</b> [1] - 4:8  <b>BIRD</b> [2] - 4:19, 4:23  <b>bit</b> [10] - 4:10, 15:15, 15:22, 24:7, 24:19, 27:8, 36:12, 43:24, 50:22, 51:10  <b>bodies</b> [4] - 27:6, 28:12, 58:20, 61:15  <b>bond</b> [1] - 3:20  <b>bonding</b> [2] - 3:6, 3:7  <b>bonds</b> [1] - 3:19  <b>Boomsma</b> [4] - 6:8, 6:9, 6:10, 20:17  <b>bordering</b> [2] - 66:2, 66:3  <b>borders</b> [1] - 60:21  <b>bother</b> [1] - 10:11  <b>bottom</b> [2] - 43:21, 56:20  <b>bought</b> [1] - 15:14  <b>bound</b> [1] - 25:23  <b>boundaries</b> [1] - 49:2  <b>box</b> [1] - 51:3  <b>Brett</b> [2] - 56:15, 56:20  <b>Brian</b> [1] - 1:16  <b>brief</b> [2] - 4:20, 5:21  <b>briefing</b> [3] - 2:18, 2:23, 54:13  <b>brilliant</b> [2] - 59:3, 59:5  <b>bring</b> [1] - 30:22  <b>bringing</b> [2] - 55:21, 71:23  <b>brings</b> [2] - 30:23  <b>brought</b> [1] - 8:16  <b>buffalo</b> [2] - 55:23  <b>build</b> [2] - 55:8, 61:25  <b>building</b> [3] - 19:25, 20:1, 30:4  <b>built</b> [9] - 11:6, 61:13,</p>	<p>61:20, 61:21, 62:5, 62:7, 63:16, 63:18, 75:1  <b>bunch</b> [1] - 49:22  <b>burden</b> [7] - 26:15, 58:6, 58:13, 63:21, 63:24, 65:17, 74:3  <b>burdening</b> [1] - 68:10  <b>burrow</b> [1] - 4:10  <b>business</b> [6] - 2:4, 20:2, 20:16, 26:11, 26:13, 69:16  <b>businesses</b> [1] - 74:18</p>	<p><b>Certified</b> [2] - 78:6, 78:19  <b>certified</b> [3] - 47:23, 53:23, 55:6  <b>CERTIFY</b> [1] - 78:8  <b>certifying</b> [5] - 48:14, 48:21, 48:22, 48:25, 49:7  <b>CHAIRMAN</b> [91] - 1:11, 2:1, 4:6, 4:22, 5:6, 5:20, 6:7, 7:21, 10:21, 11:20, 12:10, 12:17, 12:20, 13:1, 13:3, 13:6, 13:10, 13:13, 13:18, 14:7, 14:13, 14:18, 15:5, 16:1, 16:4, 16:17, 17:3, 17:21, 18:4, 18:15, 19:15, 20:6, 20:10, 20:19, 20:22, 20:25, 21:4, 21:20, 22:4, 22:10, 22:24, 23:20, 35:24, 36:3, 37:8, 37:11, 37:16, 37:19, 37:24, 38:7, 38:17, 38:19, 38:23, 39:25, 40:24, 41:2, 41:17, 41:21, 42:3, 42:5, 47:13, 47:18, 52:1, 53:9, 54:17, 55:17, 56:6, 57:1, 57:10, 57:12, 57:25, 58:8, 58:11, 64:23, 65:3, 66:9, 67:10, 70:19, 71:2, 71:4, 71:10, 73:10, 74:8, 75:24, 76:5, 76:7, 76:18, 76:20, 76:24, 77:4, 77:6  <b>Chairman</b> [13] - 2:1, 3:3, 4:20, 4:24, 13:3, 35:17, 58:3, 64:20, 65:2, 66:11, 71:9, 74:21, 75:23  <b>challenge</b> [1] - 70:9  <b>chamber</b> [1] - 69:17  <b>chance</b> [1] - 15:4  <b>change</b> [6] - 38:2, 40:25, 43:7, 69:15, 70:1, 70:16  <b>changed</b> [2] - 9:3, 38:5  <b>changes</b> [2] - 64:2, 69:14  <b>Charlie</b> [1] - 47:25  <b>Cheri</b> [2] - 1:23, 78:18  <b>CHERI</b> [1] - 78:5  <b>choose</b> [1] - 22:25  <b>choosing</b> [1] - 28:24  <b>chose</b> [4] - 60:5,</p>
<b>B</b>		<b>C</b>		
	<p><b>background</b> [2] - 25:10, 74:10  <b>BAKER</b> [3] - 4:24, 5:11, 6:2  <b>baker</b> [1] - 4:8  <b>balance</b> [1] - 53:1  <b>balances</b> [1] - 33:10  <b>barn</b> [2] - 15:2, 17:14  <b>barrier</b> [1] - 15:17  <b>based</b> [15] - 3:16, 3:25, 16:21, 25:24, 26:18, 26:19, 49:6, 49:20, 50:1, 51:23, 53:11, 59:10, 65:7, 65:12  <b>basic</b> [1] - 44:7  <b>bastion</b> [1] - 69:4  <b>bear</b> [1] - 4:19  <b>became</b> [2] - 49:14, 49:25  <b>become</b> [3] - 28:5, 33:1, 55:6  <b>becomes</b> [1] - 8:19  <b>BEFORE</b> [1] - 1:10  <b>began</b> [2] - 33:14, 74:22  <b>beginning</b> [2] - 46:19, 67:15</p>	<p><b>61:20, 61:21, 62:5, 62:7, 63:16, 63:18, 75:1</b>  <b>calculation</b> [1] - 32:8  <b>cannot</b> [4] - 28:17, 28:19, 51:22, 58:23  <b>capable</b> [1] - 71:20  <b>cards</b> [1] - 10:9  <b>care</b> [6] - 3:23, 22:10, 36:2, 50:17, 69:1, 72:21  <b>careful</b> [1] - 11:12  <b>carefully</b> [1] - 29:12  <b>carries</b> [2] - 76:8, 76:21  <b>carry</b> [1] - 69:25  <b>carrying</b> [2] - 61:9, 61:12  <b>case</b> [7] - 25:24, 26:1, 37:17, 40:3, 51:17, 54:24, 55:11  <b>cases</b> [2] - 10:9, 28:5  <b>cast</b> [1] - 7:2  <b>castigated</b> [1] - 69:18  <b>caused</b> [1] - 75:5  <b>cease</b> [1] - 45:12  <b>center</b> [1] - 12:13  <b>certain</b> [2] - 65:25, 66:21  <b>certainly</b> [12] - 4:22, 6:13, 17:19, 24:21, 24:22, 30:23, 53:9, 53:11, 54:18, 59:23, 63:7, 65:3  <b>CERTIFICATE</b> [1] - 78:2  <b>certification</b> [22] - 48:3, 48:12, 48:13, 48:16, 48:20, 49:3, 49:12, 49:15, 49:20, 49:23, 51:16, 52:4, 52:6, 52:16, 53:3, 53:18, 53:24, 54:5, 54:8, 55:2, 55:5, 55:10</p>		



<p>60:11, 60:14, 60:16  <b>chosen</b> [2] - 61:1, 74:13  <b>Chris</b> [1] - 2:1  <b>CHRIS</b> [1] - 1:11  <b>circumstance</b> [1] - 14:5  <b>cities</b> [1] - 27:25  <b>citing</b> [1] - 71:24  <b>citizen</b> [1] - 71:13  <b>citizens</b> [11] - 61:10, 64:19, 69:3, 69:24, 71:23, 72:3, 72:9, 73:8, 73:23, 74:1, 74:24  <b>citizenship</b> [2] - 72:18, 73:5  <b>city</b> [5] - 60:12, 60:13, 60:23, 60:25, 69:21  <b>City</b> [6] - 2:14, 27:21, 28:6, 28:8, 68:1, 76:12  <b>city's</b> [1] - 61:14  <b>civil</b> [1] - 10:11  <b>claim</b> [5] - 4:11, 4:13, 5:13, 6:25, 29:25  <b>claimed</b> [1] - 51:7  <b>claiming</b> [1] - 6:19  <b>claims</b> [1] - 6:20  <b>clarification</b> [1] - 44:3  <b>clarified</b> [1] - 6:25  <b>clarify</b> [4] - 7:12, 21:2, 39:12, 58:9  <b>clarifying</b> [3] - 2:22, 18:16, 18:21  <b>Clark</b> [1] - 23:8  <b>clean</b> [1] - 37:21  <b>clear</b> [8] - 6:14, 9:15, 32:23, 45:24, 49:2, 49:14, 50:1, 72:20  <b>cleared</b> [1] - 22:23  <b>clearly</b> [3] - 29:25, 40:12, 71:21  <b>clients</b> [1] - 59:2  <b>clip</b> [1] - 15:6  <b>close</b> [8] - 12:1, 12:13, 14:11, 28:1, 32:12, 33:18, 62:1, 62:10  <b>closed</b> [2] - 47:25, 50:9  <b>closest</b> [1] - 15:23  <b>closing</b> [1] - 9:18  <b>cloth</b> [1] - 52:11  <b>cloths</b> [2] - 48:19, 52:10  <b>Codified</b> [2] - 58:6, 63:20  <b>colors</b> [1] - 42:11  <b>comfortable</b> [1] - 32:10</p>	<p><b>coming</b> [3] - 19:24, 34:11, 66:19  <b>commendable</b> [1] - 34:19  <b>comment</b> [3] - 12:7, 39:1, 41:3  <b>commentary</b> [3] - 6:17, 11:23, 57:2  <b>comments</b> [10] - 11:18, 15:18, 15:22, 32:21, 57:20, 57:21, 59:18, 66:25, 67:2, 74:10  <b>commerce</b> [1] - 69:17  <b>commercial</b> [1] - 60:20  <b>Commission</b> [25] - 2:9, 2:11, 2:15, 3:2, 6:17, 7:7, 9:3, 9:11, 21:16, 23:1, 29:1, 32:23, 35:15, 35:22, 37:12, 39:10, 41:6, 41:19, 51:1, 61:4, 64:6, 65:6, 66:19, 71:15, 72:24  <b>COMMISSION</b> [3] - 1:1, 1:10, 1:13  <b>Commission's</b> [1] - 8:25  <b>Commissioner</b> [44] - 2:2, 4:24, 8:20, 10:14, 12:14, 12:21, 16:4, 23:5, 23:6, 23:20, 25:23, 36:24, 37:8, 38:15, 38:17, 39:9, 40:7, 42:1, 42:3, 47:16, 57:8, 57:10, 57:16, 64:25, 65:5, 65:21, 66:8, 66:14, 67:13, 68:13, 70:25, 71:2, 71:10, 71:19, 73:12, 74:9, 74:12, 74:20, 76:3, 76:5, 76:16, 76:18, 77:2, 77:4  <b>COMMISSIONER</b> [51] - 1:11, 1:12, 3:3, 3:21, 4:4, 16:6, 16:12, 16:16, 23:7, 23:17, 23:19, 35:17, 36:1, 36:25, 37:9, 37:14, 37:18, 37:22, 38:4, 38:16, 38:18, 40:4, 40:9, 41:15, 41:18, 42:2, 42:4, 57:9, 57:11, 57:17, 58:3, 58:10, 58:12, 65:1, 65:4, 65:20, 66:10, 68:14, 71:1, 71:3, 71:9, 71:11,</p>	<p>73:13, 74:21, 76:4, 76:6, 76:17, 76:19, 76:23, 77:3, 77:5  <b>commissioner</b> [1] - 2:3  <b>Commissioners</b> [10] - 2:16, 2:22, 10:24, 24:12, 26:19, 35:15, 36:13, 43:8, 47:4, 64:12  <b>commitment</b> [2] - 7:19, 25:8  <b>commodity</b> [2] - 43:22, 43:23  <b>common</b> [1] - 16:12  <b>communities</b> [6] - 61:18, 61:19, 63:4, 74:2, 75:1  <b>community</b> [3] - 60:17, 68:19, 68:23  <b>company</b> [11] - 11:9, 21:6, 21:19, 31:1, 34:10, 41:11, 43:14, 45:19, 45:25, 46:6, 67:20  <b>company's</b> [1] - 22:11  <b>compared</b> [1] - 52:9  <b>compensated</b> [1] - 51:15  <b>complain</b> [1] - 61:15  <b>complete</b> [2] - 23:16, 43:12  <b>completely</b> [2] - 32:10, 66:11  <b>comply</b> [6] - 26:21, 47:15, 54:4, 54:12, 55:3, 58:5  <b>comprehensive</b> [1] - 36:5  <b>concept</b> [3] - 50:6, 51:13  <b>concern</b> [17] - 4:12, 5:21, 10:23, 13:20, 17:3, 17:6, 27:12, 28:8, 28:10, 45:14, 45:23, 46:5, 66:14, 67:3, 67:13, 68:2, 68:23  <b>concerned</b> [6] - 7:11, 15:17, 50:22, 51:10, 74:25, 75:13  <b>concerning</b> [2] - 3:23, 65:23  <b>concerns</b> [6] - 12:24, 28:3, 29:10, 65:22, 69:1, 71:22  <b>conclude</b> [2] - 63:13, 68:10  <b>concluded</b> [1] - 77:8  <b>conclusion</b> [1] - 44:19</p>	<p><b>conclusory</b> [1] - 29:16  <b>condition</b> [9] - 17:1, 26:24, 46:8, 50:11, 50:14, 51:8, 51:10, 56:21, 58:15  <b>Condition</b> [5] - 40:14, 40:16, 44:2, 44:12, 45:2  <b>conditions</b> [11] - 2:9, 2:13, 23:25, 34:13, 35:20, 64:18, 65:6, 71:7, 71:15, 76:1, 76:11  <b>Conditions</b> [8] - 16:18, 21:22, 24:16, 34:9, 34:11, 34:14, 35:9, 56:11  <b>conduct</b> [1] - 26:13  <b>conducted</b> [2] - 26:9, 59:1  <b>conducting</b> [1] - 71:25  <b>confirmed</b> [1] - 27:20  <b>conflict</b> [1] - 65:8  <b>confusion</b> [1] - 33:5  <b>consider</b> [2] - 35:16, 73:15  <b>considerable</b> [1] - 5:21  <b>consideration</b> [3] - 3:11, 27:5, 58:19  <b>consistent</b> [3] - 37:2, 40:17, 40:23  <b>construct</b> [5] - 2:6, 49:8, 54:4, 54:15, 55:9  <b>CONSTRUCT</b> [1] - 1:5  <b>constructed</b> [3] - 26:8, 41:10, 70:11  <b>constructing</b> [1] - 49:17  <b>construction</b> [9] - 2:10, 3:17, 3:18, 26:9, 45:13, 46:19, 46:21, 48:16, 71:18  <b>constructive</b> [2] - 11:14, 49:24  <b>contact</b> [3] - 7:12, 56:5, 56:17  <b>contacted</b> [5] - 19:11, 19:14, 19:15, 20:17, 20:20  <b>contacts</b> [2] - 7:6, 8:9  <b>contention</b> [1] - 11:3  <b>contentious</b> [1] - 71:18  <b>context</b> [2] - 43:24, 50:25  <b>continued</b> [1] - 48:2  <b>continues</b> [2] - 5:2, 46:2</p>	<p><b>contractual</b> [2] - 51:18, 55:19  <b>contradicted</b> [2] - 29:25, 59:7  <b>conversation</b> [3] - 9:23, 14:15, 16:13  <b>conversations</b> [1] - 9:24  <b>cooperatively</b> [1] - 5:2  <b>coordinating</b> [1] - 59:13  <b>coordination</b> [1] - 15:21  <b>copies</b> [2] - 36:7, 42:18  <b>copy</b> [1] - 42:17  <b>corporate</b> [4] - 71:13, 72:18, 73:5, 73:8  <b>corporation</b> [3] - 72:8, 72:15, 72:20  <b>correct</b> [13] - 4:2, 4:18, 5:10, 7:22, 7:25, 12:3, 22:21, 27:22, 41:17, 58:9, 58:10, 75:15, 78:12  <b>corrected</b> [1] - 75:21  <b>corrections</b> [1] - 41:12  <b>correctly</b> [7] - 4:16, 8:18, 12:11, 13:19, 14:20, 34:4, 45:22  <b>correspondence</b> [1] - 63:6  <b>corridor</b> [1] - 62:5  <b>cost</b> [2] - 3:25, 62:15  <b>costs</b> [2] - 3:17, 73:3  <b>counsel</b> [9] - 35:15, 37:5, 37:12, 41:7, 41:19, 47:9, 56:3, 56:4  <b>counsel's</b> [1] - 66:11  <b>counties</b> [5] - 28:1, 31:6, 65:15, 65:18, 73:19  <b>country</b> [1] - 26:14  <b>County</b> [3] - 6:19, 28:7, 68:1  <b>COUNTY</b> [1] - 78:3  <b>couple</b> [2] - 21:4, 52:2  <b>course</b> [4] - 59:18, 61:18, 75:2, 75:14  <b>court</b> [2] - 51:1, 75:17  <b>courts</b> [1] - 10:12  <b>cover</b> [1] - 21:18  <b>covered</b> [2] - 21:10, 46:11  <b>covering</b> [1] - 21:10  <b>create</b> [2] - 51:11, 51:12  <b>created</b> [1] - 30:6  <b>creative</b> [1] - 44:8</p>	<p>3</p>
---	---	--	--	--	----------

<p><b>credence</b> [1] - 68:5  <b>Cremer</b> [1] - 1:15  <b>criteria</b> [8] - 27:13, 29:8, 30:15, 51:24, 62:19, 63:25, 64:4, 64:15  <b>critical</b> [2] - 27:25, 39:24  <b>crop</b> [1] - 46:10  <b>cropland</b> [2] - 43:23, 43:24  <b>crops</b> [4] - 43:22, 43:23, 50:13, 54:9  <b>cross</b> [2] - 11:25, 60:6  <b>cross-examination</b> [1] - 60:6  <b>crossed</b> [4] - 6:4, 29:5, 29:14, 29:24  <b>crossing</b> [3] - 6:5, 39:17, 72:22  <b>crossings</b> [1] - 39:22  <b>CRR</b> [1] - 1:23  <b>crucial</b> [1] - 33:25  <b>crude</b> [1] - 14:10  <b>cultural</b> [1] - 5:5  <b>current</b> [1] - 27:22</p>	<p><b>damaged</b> [1] - 45:8  <b>damages</b> [5] - 49:11, 49:15, 50:13, 50:14, 53:6  <b>Dansman</b> [4] - 6:18, 7:7, 8:8, 11:14  <b>Dansman-Nichols</b> [3] - 6:18, 7:7, 11:14  <b>DAPL</b> [7] - 7:22, 19:6, 29:25, 32:4, 32:7, 34:17, 35:5  <b>Darren</b> [1] - 1:17  <b>date</b> [2] - 8:15, 51:6  <b>Dated</b> [1] - 78:13  <b>dated</b> [1] - 6:18  <b>dating</b> [1] - 8:10  <b>daughter</b> [1] - 8:10  <b>dB</b> [1] - 16:19  <b>DBH</b> [2] - 16:10, 16:22  <b>de</b> [1] - 1:15  <b>deal</b> [6] - 22:25, 30:20, 72:21, 73:6, 74:13, 74:14  <b>dealing</b> [1] - 46:13  <b>deals</b> [2] - 6:15, 14:19  <b>dealt</b> [1] - 15:15  <b>Deb</b> [3] - 7:6, 7:9, 12:22  <b>December</b> [2] - 8:5, 78:14  <b>decibel</b> [2] - 16:8, 17:10  <b>decibels</b> [1] - 16:24  <b>decide</b> [1] - 23:1  <b>decision</b> [5] - 24:20, 26:2, 26:17, 35:22, 67:16  <b>decisions</b> [5] - 25:24, 32:25, 33:4, 33:6, 63:4  <b>decompaction</b> [2] - 34:5, 34:6  <b>defending</b> [1] - 50:25  <b>define</b> [1] - 67:20  <b>definitely</b> [1] - 56:18  <b>definition</b> [1] - 55:1  <b>definitionally</b> [1] - 50:24  <b>deliberations</b> [1] - 66:6  <b>delineated</b> [1] - 49:2  <b>delivering</b> [1] - 26:13  <b>demonstrated</b> [1] - 26:4  <b>demonstration</b> [1] - 19:1  <b>denied</b> [6] - 63:23, 64:1, 64:4, 65:11, 65:12  <b>deny</b> [10] - 2:9, 35:19,</p>	<p>39:23, 58:4, 63:9, 64:17, 64:24, 65:6, 70:21, 70:23  <b>denying</b> [1] - 65:7  <b>department</b> [1] - 31:11  <b>Department</b> [5] - 31:13, 31:21, 31:22, 32:1, 32:9  <b>deputy</b> [1] - 10:13  <b>deserve</b> [1] - 31:8  <b>design</b> [3] - 17:12, 17:14, 17:17  <b>designated</b> [1] - 27:16  <b>designs</b> [1] - 16:24  <b>desire</b> [1] - 62:14  <b>details</b> [1] - 17:14  <b>determine</b> [2] - 8:13, 45:4  <b>determined</b> [2] - 7:14, 8:3  <b>developers</b> [1] - 33:12  <b>development</b> [13] - 27:4, 29:4, 29:18, 29:23, 30:9, 30:14, 58:18, 60:20, 65:13, 66:23, 67:4, 67:6  <b>device</b> [1] - 12:9  <b>dictated</b> [1] - 62:14  <b>different</b> [8] - 5:7, 10:16, 22:13, 38:6, 60:8, 67:4, 69:9, 70:12  <b>directed</b> [3] - 33:1, 56:4, 59:18  <b>direction</b> [2] - 48:4, 67:17  <b>directly</b> [2] - 45:3, 61:14  <b>director</b> [1] - 73:19  <b>disagree</b> [1] - 53:9  <b>disappointed</b> [1] - 75:14  <b>discretion</b> [2] - 49:1, 64:5  <b>discuss</b> [1] - 37:3  <b>discussed</b> [2] - 11:13, 56:16  <b>discussing</b> [2] - 33:8, 33:9  <b>discussion</b> [29] - 21:5, 24:2, 24:3, 29:4, 29:6, 38:9, 38:12, 41:4, 41:14, 41:22, 42:7, 43:3, 47:5, 48:6, 57:4, 57:14, 64:23, 66:9, 66:12, 67:10, 68:12, 70:19, 70:20, 71:8, 73:10, 74:8, 74:19, 75:24, 76:13</p>	<p><b>dispelled</b> [1] - 63:7  <b>disqualify</b> [1] - 62:20  <b>disrespect</b> [1] - 71:22  <b>dissect</b> [1] - 61:22  <b>distance</b> [3] - 14:10, 62:15, 67:9  <b>distribute</b> [1] - 42:19  <b>disturbed</b> [1] - 45:8  <b>dive</b> [1] - 8:2  <b>divergence</b> [1] - 58:25  <b>diving</b> [1] - 31:10  <b>DO</b> [1] - 78:8  <b>docket</b> [7] - 27:10, 32:22, 33:8, 33:9, 59:13, 64:13, 73:15  <b>document</b> [2] - 22:6, 39:13  <b>documented</b> [1] - 31:21  <b>documenting</b> [1] - 29:13  <b>documents</b> [3] - 21:6, 22:16  <b>dollar</b> [5] - 62:17, 70:9, 70:10, 72:8  <b>dollars</b> [1] - 61:24  <b>domain</b> [4] - 32:20, 32:25, 33:6, 33:10  <b>done</b> [8] - 3:22, 35:3, 41:19, 44:25, 45:22, 60:2, 63:16, 70:17  <b>doorstep</b> [1] - 69:25  <b>doubt</b> [3] - 34:22, 61:1, 63:5  <b>down</b> [8] - 18:8, 19:24, 24:13, 28:23, 28:24, 31:5, 39:14, 51:5  <b>downstairs</b> [1] - 11:7  <b>drain</b> [9] - 45:8, 45:10, 45:12, 45:14, 45:16, 45:17, 45:23, 46:1, 46:4  <b>dramatically</b> [1] - 62:24  <b>draw</b> [1] - 70:13  <b>drawn</b> [1] - 70:14  <b>drive</b> [1] - 50:15  <b>drop</b> [3] - 48:19, 52:10, 52:11  <b>drove</b> [1] - 68:10  <b>due</b> [2] - 27:4, 58:19  <b>duly</b> [1] - 78:8  <b>duly-appointed</b> [1] - 78:8  <b>during</b> [6] - 16:7, 32:6, 34:20, 40:19, 55:22, 74:22</p>	<p style="text-align: center;"><b>E</b> <span style="float: right;">4</span></p> <p><b>e-mail</b> [8] - 6:15, 6:18, 11:23, 12:8, 12:11, 12:16, 12:22, 13:19  <b>Eagle</b> [1] - 6:2  <b>ease</b> [1] - 47:11  <b>easement</b> [7] - 19:7, 32:24, 47:25, 49:18, 55:14, 56:4, 61:5  <b>easements</b> [1] - 50:12  <b>easily</b> [3] - 13:22, 28:2, 67:5  <b>easy</b> [2] - 28:4, 63:13  <b>economic</b> [8] - 26:24, 29:13, 58:15, 62:2, 62:10, 63:11, 67:7, 70:3  <b>edge</b> [6] - 13:15, 16:11, 16:24, 27:23, 68:16, 68:17  <b>Edwards</b> [8] - 1:14, 6:23, 7:2, 7:5, 8:6, 11:2, 17:21, 21:4  <b>EDWARDS</b> [9] - 7:5, 11:5, 12:21, 17:24, 21:13, 22:3, 22:7, 56:12, 65:10  <b>effect</b> [1] - 8:19  <b>effort</b> [1] - 45:19  <b>either</b> [8] - 14:25, 20:20, 35:24, 36:12, 36:17, 39:4, 51:1, 55:13  <b>elected</b> [2] - 67:24, 69:11  <b>eliminate</b> [1] - 35:1  <b>eliminated</b> [1] - 53:21  <b>eliminates</b> [1] - 46:5  <b>emergency</b> [4] - 21:24, 21:25, 22:9, 22:19  <b>eminent</b> [4] - 32:20, 32:24, 33:6, 33:10  <b>emphasize</b> [1] - 58:22  <b>emphasized</b> [2] - 29:7, 58:24  <b>employed</b> [2] - 44:14, 44:18  <b>employee</b> [1] - 19:21  <b>encroachment</b> [1] - 61:17  <b>encumbering</b> [1] - 68:19  <b>end</b> [4] - 18:18, 44:18, 45:6, 56:24  <b>ends</b> [2] - 6:14, 33:23  <b>energy</b> [1] - 2:6  <b>ENERGY</b> [1] - 1:5</p>
<b>D</b>				
<p><b>Dakota</b> [84] - 2:5, 2:7, 2:10, 2:14, 3:9, 6:13, 10:25, 13:7, 20:15, 23:8, 23:25, 24:1, 25:14, 25:17, 25:19, 25:25, 26:4, 28:22, 30:23, 30:25, 31:3, 31:8, 35:6, 35:12, 41:9, 45:3, 45:6, 45:10, 46:14, 46:18, 46:20, 48:23, 50:10, 50:21, 54:25, 58:5, 59:24, 60:1, 60:4, 60:6, 61:3, 61:7, 61:16, 62:4, 62:6, 62:11, 62:12, 62:18, 62:21, 62:25, 63:3, 63:11, 63:19, 64:16, 64:19, 70:4, 70:6, 71:13, 71:14, 71:16, 71:19, 71:21, 71:23, 72:3, 72:9, 72:11, 72:19, 72:24, 72:25, 73:4, 74:3, 74:5, 74:11, 74:23, 75:10, 75:18, 76:12, 78:7, 78:13  <b>DAKOTA</b> [4] - 1:2, 1:4, 1:5, 78:1  <b>Dakotans</b> [1] - 66:5</p>				

<p><b>engaged</b> [1] - 63:4  <b>engineer</b> [1] - 17:12  <b>enlighten</b> [1] - 55:25  <b>entered</b> [1] - 19:6  <b>entertained</b> [1] - 59:3  <b>entire</b> [3] - 44:23, 59:13, 64:9  <b>entitled</b> [2] - 9:22, 78:10  <b>environment</b> [2] - 26:24, 58:15  <b>environmental</b> [1] - 63:1  <b>epoxy</b> [1] - 52:11  <b>equipment</b> [3] - 39:16, 39:19, 39:22  <b>equivalent</b> [1] - 16:11  <b>errors</b> [1] - 36:21  <b>especially</b> [3] - 65:23, 66:4, 75:13  <b>essentially</b> [1] - 55:13  <b>establish</b> [4] - 5:18, 32:15, 58:13, 63:25  <b>established</b> [5] - 16:19, 33:7, 46:17, 48:8, 53:11  <b>estimate</b> [3] - 31:14, 31:23, 32:13  <b>estimated</b> [2] - 3:16, 3:18  <b>estimates</b> [1] - 30:18  <b>eventually</b> [2] - 60:2, 66:3  <b>evidence</b> [4] - 25:25, 59:22, 72:20  <b>evidentiary</b> [1] - 18:19  <b>evils</b> [1] - 60:15  <b>exact</b> [1] - 27:19  <b>exactly</b> [2] - 5:24, 37:11  <b>examination</b> [2] - 24:12, 60:6  <b>example</b> [2] - 10:8, 55:4  <b>exceed</b> [1] - 66:4  <b>excellent</b> [2] - 18:15, 59:10  <b>except</b> [1] - 44:3  <b>exception</b> [2] - 44:9, 57:6  <b>excess</b> [1] - 54:10  <b>exclusive</b> [1] - 54:16  <b>excuse</b> [5] - 35:17, 40:4, 40:5, 58:8, 61:16  <b>executed</b> [1] - 23:15  <b>exercise</b> [1] - 5:18  <b>exercising</b> [1] - 5:4  <b>Exhibit</b> [1] - 27:22  <b>exhibits</b> [2] - 2:13,</p>	<p>76:11  <b>Exhibits</b> [1] - 30:1  <b>existing</b> [2] - 30:1, 61:5  <b>expanding</b> [1] - 66:1  <b>expansion</b> [1] - 20:2  <b>expect</b> [1] - 54:6  <b>expectation</b> [1] - 14:14  <b>expected</b> [4] - 26:25, 58:16, 58:23, 62:22  <b>experience</b> [2] - 33:22, 34:22  <b>experiences</b> [1] - 59:23  <b>expert</b> [1] - 48:24  <b>expertise</b> [1] - 73:7  <b>explain</b> [3] - 10:22, 30:20, 57:19  <b>explained</b> [2] - 46:4, 47:3  <b>explanation</b> [2] - 43:11, 65:11  <b>expressed</b> [1] - 5:20  <b>extend</b> [1] - 54:20  <b>extent</b> [3] - 55:19, 67:1, 68:17  <b>extraordinarily</b> [2] - 59:3, 59:4  <b>extremely</b> [1] - 43:15</p>	<p>27:22, 28:6, 28:8, 28:15, 30:2, 47:24, 60:11, 68:2, 68:22, 75:2, 76:12  <b>familiar</b> [1] - 12:24  <b>family</b> [3] - 6:11, 25:7, 47:24  <b>fantastic</b> [1] - 41:20  <b>far</b> [5] - 14:11, 19:20, 53:12, 65:8, 75:9  <b>farm</b> [9] - 12:2, 50:19, 50:21, 51:14, 53:22, 54:10, 55:2, 55:10, 55:23  <b>farmed</b> [1] - 47:24  <b>farmer</b> [4] - 33:15, 46:7, 51:7, 55:6  <b>farmers</b> [2] - 26:10, 34:1  <b>farming</b> [7] - 12:2, 46:16, 47:22, 48:5, 50:18, 50:23, 51:15  <b>farmland</b> [2] - 7:17, 25:19  <b>farms</b> [4] - 25:7, 51:9, 54:9  <b>farmstead</b> [1] - 15:12  <b>farthest</b> [2] - 60:13, 60:16  <b>fashion</b> [2] - 9:13, 59:2  <b>fatal</b> [1] - 11:4  <b>father</b> [4] - 7:16, 7:17, 8:7, 8:10  <b>favor</b> [8] - 38:13, 41:23, 57:5, 70:23, 75:7, 75:25, 76:14, 76:25  <b>fear</b> [1] - 50:16  <b>federal</b> [1] - 16:22  <b>feedback</b> [1] - 52:1  <b>feet</b> [7] - 6:21, 7:15, 30:3, 40:15, 40:16, 40:17, 40:25  <b>fellow</b> [5] - 2:16, 10:24, 24:12, 43:8, 47:3  <b>felt</b> [1] - 53:5  <b>fence</b> [5] - 12:5, 13:23, 16:11, 16:20, 59:8  <b>few</b> [3] - 69:9, 69:16, 75:7  <b>fewest</b> [1] - 62:19  <b>field</b> [6] - 12:2, 12:6, 12:13, 13:15, 13:21, 14:2  <b>figure</b> [4] - 35:18, 35:19, 44:7, 56:14  <b>figuring</b> [1] - 3:5  <b>filed</b> [3] - 21:7, 27:21,</p>	<p>30:1  <b>filing</b> [2] - 8:11, 10:10  <b>filling</b> [1] - 73:15  <b>Findings</b> [2] - 2:13, 76:11  <b>fine</b> [5] - 13:9, 22:24, 40:24, 58:2, 69:25  <b>finished</b> [1] - 45:22  <b>First</b> [1] - 35:13  <b>first</b> [17] - 4:7, 6:15, 9:5, 9:7, 24:7, 24:25, 27:10, 27:14, 32:5, 34:4, 34:22, 43:10, 44:21, 44:23, 44:25, 63:23, 67:18  <b>fits</b> [1] - 48:4  <b>five</b> [3] - 61:10, 69:13, 69:14  <b>five-member</b> [1] - 69:14  <b>fixing</b> [1] - 46:1  <b>flag</b> [1] - 56:13  <b>flammable</b> [2] - 61:9, 61:12  <b>flavor</b> [2] - 67:1, 71:12  <b>flexibility</b> [2] - 13:24, 14:11  <b>flights</b> [1] - 40:19  <b>floor</b> [4] - 2:25, 23:22, 38:24, 38:25  <b>flower</b> [1] - 5:8  <b>focus</b> [1] - 43:9  <b>folks</b> [6] - 25:13, 28:16, 33:5, 35:4, 44:6, 50:15  <b>follow</b> [4] - 2:22, 11:22, 16:17, 57:22  <b>follow-up</b> [1] - 2:22  <b>followed</b> [1] - 10:19  <b>follows</b> [1] - 27:23  <b>font</b> [1] - 38:5  <b>food</b> [2] - 26:11, 34:2  <b>foot</b> [1] - 60:10  <b>FOR</b> [1] - 1:4  <b>forgive</b> [1] - 3:8  <b>form</b> [2] - 6:17, 55:1  <b>forth</b> [1] - 64:16  <b>forum</b> [2] - 33:8, 33:9  <b>forward</b> [2] - 23:1, 69:21  <b>four</b> [4] - 27:3, 42:19, 52:24, 68:25  <b>four-page</b> [1] - 68:25  <b>four-pager</b> [1] - 42:19  <b>frankly</b> [3] - 25:9, 25:19, 43:23  <b>friendly</b> [1] - 40:25  <b>front</b> [3] - 40:1, 51:1, 51:2  <b>frustration</b> [1] - 74:12</p>	<p><b>fueling</b> [1] - 48:19  <b>fulfilling</b> [1] - 71:20  <b>full</b> [2] - 32:5, 45:9  <b>fully</b> [2] - 25:14, 64:11  <b>function</b> [2] - 45:9, 45:12  <b>future</b> [3] - 25:8, 55:16, 65:24</p>	<p><b>G</b></p>	<p><b>GARY</b> [1] - 1:11  <b>gather</b> [4] - 4:13, 4:17, 5:10, 6:1  <b>gathering</b> [2] - 5:1, 5:22  <b>generally</b> [1] - 5:14  <b>generational</b> [1] - 25:7  <b>gentleman</b> [3] - 14:11, 17:13, 55:22  <b>gentlemen</b> [1] - 18:9  <b>given</b> [11] - 6:21, 7:17, 25:6, 27:5, 27:12, 31:25, 32:11, 45:18, 58:19, 60:14, 60:24  <b>glad</b> [1] - 40:7  <b>goal</b> [1] - 34:15  <b>goodness</b> [1] - 28:4  <b>governing</b> [3] - 27:5, 28:12, 58:20  <b>Government</b> [3] - 61:15, 69:7, 73:18  <b>government</b> [4] - 27:6, 58:21, 67:23, 68:6  <b>governments</b> [2] - 31:7, 73:24  <b>Governor</b> [2] - 33:7, 73:14  <b>grand</b> [1] - 33:22  <b>grant</b> [10] - 2:9, 2:12, 23:24, 53:24, 65:6, 71:6, 76:1, 76:10  <b>granted</b> [2] - 14:14, 72:1  <b>grass</b> [2] - 34:7, 44:22  <b>great</b> [10] - 13:19, 39:7, 66:1, 68:5, 70:14, 72:21, 73:4, 73:6, 73:15, 74:1  <b>greater</b> [1] - 35:11  <b>greatly</b> [1] - 52:2  <b>green</b> [8] - 30:6, 30:11, 42:10, 42:12, 43:2, 43:7, 43:9, 57:6  <b>Greg</b> [1] - 1:16  <b>Gregg</b> [3] - 7:6, 7:9, 12:22  <b>ground</b> [2] - 52:5,</p>	<p>5</p>
--	---	---	---	--	-----------------	--	----------

<p>53:17  <b>group</b> [2] - 69:8, 69:14  <b>groups</b> [1] - 69:9  <b>grow</b> [1] - 25:13  <b>growing</b> [1] - 44:21  <b>growth</b> [27] - 27:12, 27:16, 27:17, 27:24, 60:21, 61:14, 62:2, 62:11, 62:16, 63:11, 65:23, 65:24, 66:1, 66:2, 66:3, 66:15, 66:17, 67:7, 67:20, 68:8, 68:9, 68:11, 68:15, 68:17, 69:21, 70:2  <b>guess</b> [8] - 15:7, 17:3, 19:10, 19:18, 19:19, 47:13, 65:22, 67:11  <b>guessing</b> [1] - 10:23  <b>Gustafson</b> [1] - 1:17  <b>guy</b> [1] - 13:15</p>	<p><b>Harrisburg</b> [11] - 27:20, 60:13, 60:14, 60:22, 60:23, 61:4, 61:6, 63:2, 67:25, 69:2  <b>hate</b> [1] - 22:22  <b>hazardous</b> [2] - 61:9, 61:12  <b>head</b> [1] - 40:12  <b>health</b> [1] - 27:2  <b>hear</b> [2] - 29:15, 36:17  <b>heard</b> [6] - 17:21, 29:16, 32:21, 35:1, 73:25, 74:24  <b>hearing</b> [17] - 7:7, 7:18, 11:16, 18:18, 18:19, 20:8, 20:11, 20:15, 30:19, 32:6, 34:20, 38:13, 55:22, 66:22, 70:20, 75:2, 76:14  <b>hearings</b> [5] - 8:16, 8:18, 59:13, 72:11, 74:23  <b>heart</b> [1] - 63:10  <b>heavy</b> [1] - 39:18  <b>hello</b> [1] - 13:2  <b>help</b> [1] - 56:11  <b>helpful</b> [2] - 2:20, 13:1  <b>helping</b> [2] - 41:11, 56:25  <b>helps</b> [2] - 12:21, 14:11  <b>Henry</b> [1] - 8:8  <b>herbicides</b> [1] - 54:20  <b>HEREBY</b> [1] - 78:8  <b>high</b> [4] - 61:7, 61:8, 61:11, 61:13  <b>highest</b> [6] - 62:10, 63:10, 67:6, 70:2  <b>highlighting</b> [1] - 55:18  <b>highly</b> [4] - 38:25, 39:5, 62:1, 69:9  <b>hindsight</b> [1] - 43:17  <b>historical</b> [1] - 5:17  <b>history</b> [3] - 5:1, 8:9, 25:7  <b>hold</b> [1] - 54:8  <b>home</b> [2] - 6:21, 15:2  <b>hook</b> [2] - 35:7, 46:6  <b>hope</b> [2] - 73:8, 75:19  <b>hopefully</b> [2] - 44:24, 47:2  <b>hoping</b> [1] - 55:24  <b>hosting</b> [1] - 31:3  <b>house</b> [5] - 15:12, 19:24, 44:6, 44:9, 44:10  <b>HP14-002</b> [3] - 1:4,</p>	<p>2:5, 58:4  <b>Hueck</b> [1] - 1:15  <b>huge</b> [1] - 70:8  <b>humanly</b> [1] - 33:19  <b>hundreds</b> [2] - 30:5, 74:24  <b>husband</b> [2] - 18:14, 19:22</p>	<p><b>indicated</b> [3] - 6:23, 20:11, 31:15  <b>individual</b> [3] - 21:23, 24:13, 27:9  <b>individuals</b> [2] - 69:10, 69:11  <b>inexpensive</b> [1] - 70:8  <b>infeasible</b> [1] - 44:4  <b>influenced</b> [2] - 69:9, 69:15  <b>influential</b> [1] - 69:16  <b>information</b> [3] - 37:25, 53:13, 64:2  <b>infrastructure</b> [1] - 61:25  <b>inhabitants</b> [6] - 26:25, 27:2, 58:16, 58:23  <b>inholding</b> [2] - 8:5, 9:7  <b>initial</b> [3] - 30:24, 44:19, 44:23  <b>injury</b> [2] - 26:23, 58:14  <b>input</b> [5] - 23:2, 24:23, 24:24, 31:15, 36:22  <b>insert</b> [1] - 39:25  <b>inserted</b> [1] - 43:22  <b>instance</b> [3] - 50:1, 61:22, 62:3  <b>instead</b> [2] - 12:5, 40:4  <b>integrity</b> [1] - 45:9  <b>intend</b> [3] - 22:12, 42:20, 60:1  <b>intent</b> [2] - 41:15, 63:15  <b>intention</b> [2] - 43:25, 45:1  <b>interest</b> [3] - 21:17, 56:13, 73:22  <b>interests</b> [2] - 33:11, 74:4  <b>interfere</b> [3] - 27:3, 58:18, 65:18  <b>interference</b> [1] - 61:6  <b>interfering</b> [2] - 65:13, 66:24  <b>interpretation</b> [3] - 65:5, 65:7, 66:12  <b>Interstate</b> [1] - 32:16  <b>intervene</b> [2] - 28:7, 67:24  <b>intervened</b> [1] - 28:2  <b>Intervenor</b> [1] - 28:5  <b>intimately</b> [2] - 25:11, 33:16  <b>investigations</b> [1] - 59:11  <b>inviting</b> [1] - 61:19  <b>involved</b> [6] - 29:2,</p>	<p>32:23, 32:24, 33:1, 33:4, 51:19  <b>Iowa</b> [1] - 21:16  <b>issue</b> [11] - 11:22, 12:7, 14:16, 17:22, 18:5, 27:11, 46:13, 51:18, 55:19, 56:10, 65:19  <b>issued</b> [1] - 26:5  <b>issues</b> [5] - 2:23, 16:25, 17:17, 27:9, 71:18  <b>item</b> [1] - 2:4  <b>itself</b> [2] - 49:16, 50:2</p>
<b>H</b>		<b>I</b>		
<p><b>half</b> [3] - 9:10, 12:13, 52:23  <b>half-mile</b> [2] - 9:10, 52:23  <b>hand</b> [1] - 54:11  <b>handed</b> [1] - 54:3  <b>handle</b> [1] - 51:21  <b>hands</b> [1] - 34:13  <b>hang</b> [1] - 13:6  <b>HANSON</b> [35] - 1:11, 3:3, 3:21, 4:4, 23:7, 23:17, 23:19, 35:17, 36:1, 36:25, 37:9, 37:14, 37:18, 37:22, 38:4, 38:16, 40:4, 40:9, 41:15, 41:18, 42:4, 57:11, 57:17, 58:3, 58:10, 58:12, 66:10, 68:14, 71:3, 71:9, 71:11, 74:21, 76:6, 76:19, 77:5  <b>Hanson</b> [17] - 2:2, 23:6, 36:24, 38:15, 42:3, 57:10, 57:16, 66:8, 67:13, 68:13, 71:2, 71:10, 74:12, 74:20, 76:5, 76:18, 77:4  <b>Hanson's</b> [2] - 65:5, 74:10  <b>happier</b> [1] - 25:20  <b>happily</b> [1] - 39:25  <b>happy</b> [1] - 51:17  <b>hard</b> [3] - 10:3, 11:8, 29:19</p>	<p><b>heart</b> [1] - 63:10  <b>heavy</b> [1] - 39:18  <b>hello</b> [1] - 13:2  <b>help</b> [1] - 56:11  <b>helpful</b> [2] - 2:20, 13:1  <b>helping</b> [2] - 41:11, 56:25  <b>helps</b> [2] - 12:21, 14:11  <b>Henry</b> [1] - 8:8  <b>herbicides</b> [1] - 54:20  <b>HEREBY</b> [1] - 78:8  <b>high</b> [4] - 61:7, 61:8, 61:11, 61:13  <b>highest</b> [6] - 62:10, 63:10, 67:6, 70:2  <b>highlighting</b> [1] - 55:18  <b>highly</b> [4] - 38:25, 39:5, 62:1, 69:9  <b>hindsight</b> [1] - 43:17  <b>historical</b> [1] - 5:17  <b>history</b> [3] - 5:1, 8:9, 25:7  <b>hold</b> [1] - 54:8  <b>home</b> [2] - 6:21, 15:2  <b>hook</b> [2] - 35:7, 46:6  <b>hope</b> [2] - 73:8, 75:19  <b>hopefully</b> [2] - 44:24, 47:2  <b>hoping</b> [1] - 55:24  <b>hosting</b> [1] - 31:3  <b>house</b> [5] - 15:12, 19:24, 44:6, 44:9, 44:10  <b>HP14-002</b> [3] - 1:4,</p>	<p><b>identified</b> [1] - 10:15  <b>identifying</b> [1] - 41:7  <b>ignore</b> [2] - 29:19, 29:20  <b>imagine</b> [1] - 61:10  <b>immediate</b> [2] - 66:15, 66:17  <b>impact</b> [5] - 18:1, 29:14, 30:14, 30:25, 68:9  <b>impacted</b> [1] - 29:19  <b>impair</b> [1] - 27:1  <b>impartial</b> [1] - 59:17  <b>imperative</b> [1] - 26:8  <b>imperatives</b> [1] - 34:8  <b>implied</b> [1] - 63:3  <b>implore</b> [1] - 74:15  <b>importance</b> [3] - 25:6, 25:12, 39:2  <b>important</b> [14] - 24:6, 25:3, 26:6, 28:16, 30:21, 31:2, 35:4, 40:20, 43:13, 43:15, 43:20, 44:22, 45:20, 46:10  <b>impossibility</b> [1] - 48:10  <b>impossible</b> [5] - 36:18, 39:4, 45:15, 47:15, 47:17  <b>impractical</b> [1] - 39:5  <b>impress</b> [1] - 61:3  <b>impression</b> [3] - 30:19, 34:20, 52:8  <b>improvement</b> [1] - 70:15  <b>IN</b> [1] - 1:4  <b>included</b> [2] - 43:19, 45:5  <b>including</b> [3] - 44:15, 72:17, 74:17  <b>increase</b> [1] - 62:24  <b>incurred</b> [1] - 73:3  <b>independent</b> [4] - 29:12, 29:21, 55:2, 59:11  <b>independently</b> [1] - 37:13</p>	<p><b>indicated</b> [3] - 6:23, 20:11, 31:15  <b>individual</b> [3] - 21:23, 24:13, 27:9  <b>individuals</b> [2] - 69:10, 69:11  <b>inexpensive</b> [1] - 70:8  <b>infeasible</b> [1] - 44:4  <b>influenced</b> [2] - 69:9, 69:15  <b>influential</b> [1] - 69:16  <b>information</b> [3] - 37:25, 53:13, 64:2  <b>infrastructure</b> [1] - 61:25  <b>inhabitants</b> [6] - 26:25, 27:2, 58:16, 58:23  <b>inholding</b> [2] - 8:5, 9:7  <b>initial</b> [3] - 30:24, 44:19, 44:23  <b>injury</b> [2] - 26:23, 58:14  <b>input</b> [5] - 23:2, 24:23, 24:24, 31:15, 36:22  <b>insert</b> [1] - 39:25  <b>inserted</b> [1] - 43:22  <b>instance</b> [3] - 50:1, 61:22, 62:3  <b>instead</b> [2] - 12:5, 40:4  <b>integrity</b> [1] - 45:9  <b>intend</b> [3] - 22:12, 42:20, 60:1  <b>intent</b> [2] - 41:15, 63:15  <b>intention</b> [2] - 43:25, 45:1  <b>interest</b> [3] - 21:17, 56:13, 73:22  <b>interests</b> [2] - 33:11, 74:4  <b>interfere</b> [3] - 27:3, 58:18, 65:18  <b>interference</b> [1] - 61:6  <b>interfering</b> [2] - 65:13, 66:24  <b>interpretation</b> [3] - 65:5, 65:7, 66:12  <b>Interstate</b> [1] - 32:16  <b>intervene</b> [2] - 28:7, 67:24  <b>intervened</b> [1] - 28:2  <b>Intervenor</b> [1] - 28:5  <b>intimately</b> [2] - 25:11, 33:16  <b>investigations</b> [1] - 59:11  <b>inviting</b> [1] - 61:19  <b>involved</b> [6] - 29:2,</p>	<p><b>James</b> [2] - 6:4, 6:6  <b>January</b> [1] - 8:15  <b>job</b> [4] - 41:20, 45:21, 59:12, 59:16  <b>jobs</b> [1] - 30:23  <b>Joey</b> [1] - 50:3  <b>John</b> [2] - 11:24, 63:6  <b>Johnson</b> [4] - 47:25, 48:3, 48:9, 52:4  <b>Johnson's</b> [1] - 48:12  <b>joining</b> [1] - 18:16  <b>Joint</b> [2] - 2:12, 76:10  <b>junction</b> [2] - 68:24, 73:6  <b>jurisdiction</b> [1] - 10:12  <b>jurisdictional</b> [3] - 8:22, 8:23, 9:19</p>
<b>H</b>		<b>I</b>		
<p><b>half</b> [3] - 9:10, 12:13, 52:23  <b>half-mile</b> [2] - 9:10, 52:23  <b>hand</b> [1] - 54:11  <b>handed</b> [1] - 54:3  <b>handle</b> [1] - 51:21  <b>hands</b> [1] - 34:13  <b>hang</b> [1] - 13:6  <b>HANSON</b> [35] - 1:11, 3:3, 3:21, 4:4, 23:7, 23:17, 23:19, 35:17, 36:1, 36:25, 37:9, 37:14, 37:18, 37:22, 38:4, 38:16, 40:4, 40:9, 41:15, 41:18, 42:4, 57:11, 57:17, 58:3, 58:10, 58:12, 66:10, 68:14, 71:3, 71:9, 71:11, 74:21, 76:6, 76:19, 77:5  <b>Hanson</b> [17] - 2:2, 23:6, 36:24, 38:15, 42:3, 57:10, 57:16, 66:8, 67:13, 68:13, 71:2, 71:10, 74:12, 74:20, 76:5, 76:18, 77:4  <b>Hanson's</b> [2] - 65:5, 74:10  <b>happier</b> [1] - 25:20  <b>happily</b> [1] - 39:25  <b>happy</b> [1] - 51:17  <b>hard</b> [3] - 10:3, 11:8, 29:19</p>	<p><b>heart</b> [1] - 63:10  <b>heavy</b> [1] - 39:18  <b>hello</b> [1] - 13:2  <b>help</b> [1] - 56:11  <b>helpful</b> [2] - 2:20, 13:1  <b>helping</b> [2] - 41:11, 56:25  <b>helps</b> [2] - 12:21, 14:11  <b>Henry</b> [1] - 8:8  <b>herbicides</b> [1] - 54:20  <b>HEREBY</b> [1] - 78:8  <b>high</b> [4] - 61:7, 61:8, 61:11, 61:13  <b>highest</b> [6] - 62:10, 63:10, 67:6, 70:2  <b>highlighting</b> [1] - 55:18  <b>highly</b> [4] - 38:25, 39:5, 62:1, 69:9  <b>hindsight</b> [1] - 43:17  <b>historical</b> [1] - 5:17  <b>history</b> [3] - 5:1, 8:9, 25:7  <b>hold</b> [1] - 54:8  <b>home</b> [2] - 6:21, 15:2  <b>hook</b> [2] - 35:7, 46:6  <b>hope</b> [2] - 73:8, 75:19  <b>hopefully</b> [2] - 44:24, 47:2  <b>hoping</b> [1] - 55:24  <b>hosting</b> [1] - 31:3  <b>house</b> [5] - 15:12, 19:24, 44:6, 44:9, 44:10  <b>HP14-002</b> [3] - 1:4,</p>	<p><b>identified</b> [1] - 10:15  <b>identifying</b> [1] - 41:7  <b>ignore</b> [2] - 29:19, 29:20  <b>imagine</b> [1] - 61:10  <b>immediate</b> [2] - 66:15, 66:17  <b>impact</b> [5] - 18:1, 29:14, 30:14, 30:25, 68:9  <b>impacted</b> [1] - 29:19  <b>impair</b> [1] - 27:1  <b>impartial</b> [1] - 59:17  <b>imperative</b> [1] - 26:8  <b>imperatives</b> [1] - 34:8  <b>implied</b> [1] - 63:3  <b>implore</b> [1] - 74:15  <b>importance</b> [3] - 25:6, 25:12, 39:2  <b>important</b> [14] - 24:6, 25:3, 26:6, 28:16, 30:21, 31:2, 35:4, 40:20, 43:13, 43:15, 43:20, 44:22, 45:20, 46:10  <b>impossibility</b> [1] - 48:10  <b>impossible</b> [5] - 36:18, 39:4, 45:15, 47:15, 47:17  <b>impractical</b> [1] - 39:5  <b>impress</b> [1] - 61:3  <b>impression</b> [3] - 30:19, 34:20, 52:8  <b>improvement</b> [1] - 70:15  <b>IN</b> [1] - 1:4  <b>included</b> [2] - 43:19, 45:5  <b>including</b> [3] - 44:15, 72:17, 74:17  <b>increase</b> [1] - 62:24  <b>incurred</b> [1] - 73:3  <b>independent</b> [4] - 29:12, 29:21, 55:2, 59:11  <b>independently</b> [1] - 37:13</p>	<p><b>indicated</b> [3] - 6:23, 20:11, 31:15  <b>individual</b> [3] - 21:23, 24:13, 27:9  <b>individuals</b> [2] - 69:10, 69:11  <b>inexpensive</b> [1] - 70:8  <b>infeasible</b> [1] - 44:4  <b>influenced</b> [2] - 69:9, 69:15  <b>influential</b> [1] - 69:16  <b>information</b> [3] - 37:25, 53:13, 64:2  <b>infrastructure</b> [1] - 61:25  <b>inhabitants</b> [6] - 26:25, 27:2, 58:16, 58:23  <b>inholding</b> [2] - 8:5, 9:7  <b>initial</b> [3] - 30:24, 44:19, 44:23  <b>injury</b> [2] - 26:23, 58:14  <b>input</b> [5] - 23:2, 24:23, 24:24, 31:15, 36:22  <b>insert</b> [1] - 39:25  <b>inserted</b> [1] - 43:22  <b>instance</b> [3] - 50:1, 61:22, 62:3  <b>instead</b> [2] - 12:5, 40:4  <b>integrity</b> [1] - 45:9  <b>intend</b> [3] - 22:12, 42:20, 60:1  <b>intent</b> [2] - 41:15, 63:15  <b>intention</b> [2] - 43:25, 45:1  <b>interest</b> [3] - 21:17, 56:13, 73:22  <b>interests</b> [2] - 33:11, 74:4  <b>interfere</b> [3] - 27:3, 58:18, 65:18  <b>interference</b> [1] - 61:6  <b>interfering</b> [2] - 65:13, 66:24  <b>interpretation</b> [3] - 65:5, 65:7, 66:12  <b>Interstate</b> [1] - 32:16  <b>intervene</b> [2] - 28:7, 67:24  <b>intervened</b> [1] - 28:2  <b>Intervenor</b> [1] - 28:5  <b>intimately</b> [2] - 25:11, 33:16  <b>investigations</b> [1] - 59:11  <b>inviting</b> [1] - 61:19  <b>involved</b> [6] - 29:2,</p>	<p><b>J</b></p> <p><b>James</b> [2] - 6:4, 6:6  <b>January</b> [1] - 8:15  <b>job</b> [4] - 41:20, 45:21, 59:12, 59:16  <b>jobs</b> [1] - 30:23  <b>Joey</b> [1] - 50:3  <b>John</b> [2] - 11:24, 63:6  <b>Johnson</b> [4] - 47:25, 48:3, 48:9, 52:4  <b>Johnson's</b> [1] - 48:12  <b>joining</b> [1] - 18:16  <b>Joint</b> [2] - 2:12, 76:10  <b>junction</b> [2] - 68:24, 73:6  <b>jurisdiction</b> [1] - 10:12  <b>jurisdictional</b> [3] - 8:22, 8:23, 9:19</p> <p><b>K</b></p> <p><b>Karen</b> [1] - 1:15  <b>Katlyn</b> [1] - 1:17  <b>KEARNEY</b> [2] - 3:14, 4:2  <b>Kearney</b> [3] - 1:17, 3:4, 4:4  <b>keep</b> [2] - 37:21, 63:15  <b>keeping</b> [1] - 69:20  <b>Keystone</b> [1] - 3:19  <b>kind</b> [10] - 18:16, 22:19, 31:5, 42:24, 48:10, 49:2, 51:3, 51:20, 51:24, 53:10  <b>knowing</b> [1] - 37:16  <b>knowledge</b> [3] - 19:11, 20:17, 20:18  <b>knows</b> [1] - 28:4  <b>Koenecke</b> [3] - 7:22, 39:8, 42:24  <b>KOENECKE</b> [14] - 7:24, 12:8, 12:14,</p>

12:18, 13:11, 39:9, 40:2, 40:7, 40:10, 47:16, 47:19, 52:7, 53:19, 56:2 <b>Kristen</b> [3] - 1:14, 7:5, 22:23	<b>Lawlor</b> [1] - 63:6 <b>lawn</b> [1] - 16:14 <b>laws</b> [3] - 25:24, 26:22, 33:6 <b>lawsuit</b> [1] - 19:9 <b>lawsuits</b> [3] - 71:23, 73:3, 75:13 <b>lay</b> [1] - 69:24 <b>Leah</b> [1] - 11:7 <b>learning</b> [1] - 34:23 <b>least</b> [3] - 18:6, 18:9, 59:22 <b>leave</b> [1] - 53:10 <b>leaves</b> [2] - 51:22, 52:25 <b>leaving</b> [1] - 10:15 <b>left</b> [6] - 30:10, 30:13, 32:3, 32:4, 52:8, 53:8 <b>leg</b> [1] - 60:10 <b>legal</b> [4] - 7:23, 7:25, 26:5, 73:2 <b>legally</b> [4] - 21:9, 21:18, 51:21, 56:15 <b>legislative</b> [1] - 32:18 <b>Legislature</b> [4] - 26:20, 33:1, 33:7, 33:13 <b>legislature</b> [1] - 31:25 <b>legislature's</b> [1] - 10:5 <b>lend</b> [1] - 49:3 <b>length</b> [3] - 27:18, 39:1, 44:13 <b>lengthy</b> [2] - 24:4, 24:5 <b>less</b> [1] - 14:22 <b>lessen</b> [1] - 61:5 <b>lesser</b> [1] - 60:15 <b>level</b> [5] - 16:8, 17:6, 29:10, 32:16, 73:21 <b>Lewis</b> [1] - 23:8 <b>liability</b> [1] - 21:6 <b>lifetime</b> [1] - 66:5 <b>light</b> [3] - 7:2, 8:16, 55:21 <b>lightly</b> [1] - 24:22 <b>limitations</b> [1] - 17:20 <b>limited</b> [1] - 65:14 <b>limits</b> [2] - 32:11, 60:23 <b>Lincoln</b> [4] - 28:6, 65:14, 65:18, 68:1 <b>Linda</b> [2] - 6:18, 8:3 <b>line</b> [16] - 12:5, 13:23, 16:11, 16:20, 18:12, 18:14, 19:13, 40:15, 56:20, 60:11, 61:5, 61:8, 61:13, 68:15, 68:22, 75:20 <b>lines</b> [1] - 70:13	<b>liquids</b> [2] - 61:9, 61:12 <b>list</b> [2] - 8:4, 8:12 <b>listed</b> [1] - 9:5 <b>listened</b> [1] - 29:12 <b>listening</b> [5] - 18:21, 25:2, 26:17, 42:21, 44:1 <b>literature</b> [4] - 49:7, 52:9, 52:15, 54:1 <b>live</b> [2] - 29:9, 75:21 <b>lived</b> [1] - 33:20 <b>lives</b> [3] - 15:24, 30:4 <b>living</b> [3] - 16:1, 17:5, 17:7 <b>LLC</b> [2] - 1:4, 2:6 <b>local</b> [12] - 27:6, 27:16, 58:20, 67:18, 67:23, 68:6, 69:7, 73:18, 73:20, 73:23, 73:24, 73:25 <b>locally</b> [2] - 67:19, 67:24 <b>locate</b> [2] - 60:24, 70:7 <b>located</b> [5] - 28:1, 60:9, 60:11, 63:12, 63:13 <b>location</b> [13] - 14:20, 14:23, 16:2, 17:5, 17:15, 18:25, 19:4, 19:6, 20:12, 45:4, 61:8, 62:7, 72:4 <b>locations</b> [2] - 61:21, 66:24 <b>long-term</b> [2] - 30:25, 52:24 <b>look</b> [6] - 10:4, 21:13, 30:22, 31:2, 41:11, 53:20 <b>looked</b> [5] - 27:19, 48:13, 54:2, 56:9 <b>looking</b> [7] - 12:11, 12:15, 14:5, 14:20, 15:11, 29:12, 47:21 <b>looks</b> [3] - 12:4, 13:22, 70:14 <b>loose</b> [1] - 6:14 <b>lose</b> [3] - 48:16, 48:20, 55:10 <b>loses</b> [1] - 49:19 <b>loss</b> [5] - 46:9, 46:10, 51:15, 51:16, 52:16 <b>lost</b> [1] - 53:4 <b>love</b> [2] - 25:9, 33:15	<b>Mahmoud</b> [6] - 18:19, 20:10, 22:10, 27:18, 40:11, 49:13 <b>MAHMOUD</b> [18] - 13:14, 14:4, 14:9, 14:17, 14:24, 15:9, 16:3, 16:10, 16:14, 16:21, 17:8, 22:15, 23:14, 23:18, 40:13, 41:1, 50:5, 54:23 <b>mail</b> [12] - 6:15, 6:18, 8:12, 9:16, 9:17, 10:8, 11:23, 12:8, 12:11, 12:16, 12:22, 13:19 <b>mailing</b> [2] - 10:6, 11:3 <b>main</b> [5] - 41:23, 42:8, 43:1, 57:14, 71:6 <b>maintain</b> [8] - 5:4, 40:18, 46:20, 46:25, 49:5, 49:8, 54:15, 55:7 <b>maintained</b> [3] - 44:21, 46:16, 49:4 <b>maintains</b> [2] - 45:9, 49:23 <b>major</b> [1] - 75:15 <b>manner</b> [5] - 10:17, 26:9, 34:6, 45:8, 59:17 <b>map</b> [7] - 12:4, 12:11, 12:15, 14:5, 15:2, 15:4, 27:21 <b>maps</b> [1] - 30:1 <b>mass</b> [1] - 39:18 <b>materially</b> [1] - 64:2 <b>mats</b> [2] - 39:17, 39:23 <b>matter</b> [3] - 2:5, 53:21, 78:10 <b>MATTER</b> [1] - 1:4 <b>mayor</b> [1] - 63:6 <b>MCCOMSEY</b> [1] - 78:5 <b>McComsey</b> [2] - 1:23, 78:18 <b>mean</b> [5] - 3:24, 17:18, 44:7, 50:25, 70:16 <b>means</b> [2] - 50:23, 50:24 <b>meant</b> [1] - 39:20 <b>meeting</b> [3] - 11:19, 34:12, 38:23 <b>meetings</b> [1] - 59:17 <b>member</b> [2] - 5:8, 69:14 <b>members</b> [5] - 5:2, 5:22, 5:25, 59:12, 63:4 <b>members'</b> [1] - 5:16 <b>memory</b> [1] - 52:7	<b>mentioned</b> [2] - 56:18, 75:20 <b>met</b> [3] - 17:12, 17:15, 74:3 <b>methodology</b> [5] - 3:15, 32:8, 32:15, 32:17, 55:9 <b>microphone</b> [1] - 22:11 <b>middle</b> [6] - 12:1, 12:6, 13:7, 13:20, 14:2 <b>might</b> [20] - 9:2, 13:1, 13:23, 24:4, 29:14, 29:17, 29:18, 30:14, 42:25, 43:4, 44:7, 49:22, 53:10, 54:6, 56:23, 68:8, 68:9 <b>mile</b> [8] - 9:10, 12:5, 13:24, 14:5, 14:22, 15:13, 52:23, 60:23 <b>milepost</b> [2] - 12:12, 12:18 <b>miles</b> [3] - 60:12, 60:25, 68:23 <b>million</b> [1] - 32:6 <b>millions</b> [1] - 61:23 <b>mind</b> [3] - 34:12, 52:13, 73:16 <b>minds</b> [1] - 2:24 <b>Minnehaha</b> [3] - 6:19, 65:14, 65:18 <b>Minnesota</b> [2] - 50:20, 55:4 <b>minor</b> [1] - 37:23 <b>minute</b> [3] - 13:11, 30:17, 47:8 <b>minutia</b> [1] - 31:10 <b>misleading</b> [1] - 60:6 <b>missed</b> [1] - 11:19 <b>missing</b> [1] - 11:3 <b>mistaken</b> [1] - 3:13 <b>mistakes</b> [1] - 10:1 <b>Moeckly</b> [1] - 35:2 <b>Mohr</b> [1] - 11:7 <b>moment</b> [4] - 14:19, 18:10, 29:3, 47:11 <b>money</b> [1] - 55:14 <b>monitor</b> [4] - 34:18, 34:24, 35:5, 44:13 <b>month</b> [1] - 8:14 <b>most</b> [2] - 25:3, 26:6 <b>mostly</b> [1] - 7:7 <b>mother</b> [1] - 30:4 <b>Motion</b> [2] - 2:12, 76:10 <b>motion</b> [41] - 24:2, 24:8, 24:10, 24:21, 26:7, 35:19, 35:21,
		<b>M</b>		
		<b>magnificent</b> [1] - 59:12		

<p>38:12, 38:14, 41:23, 42:6, 42:8, 43:2, 57:13, 57:14, 57:18, 57:19, 57:22, 57:24, 58:1, 58:9, 59:19, 59:20, 60:1, 64:21, 64:24, 67:2, 70:21, 70:23, 71:5, 71:6, 71:8, 71:12, 73:11, 74:7, 74:15, 75:25, 76:8, 76:13, 76:21, 76:22</p> <p><b>motions</b> [2] - 2:25, 23:23</p> <p><b>move</b> [18] - 2:24, 13:14, 13:24, 23:1, 23:24, 28:18, 36:4, 36:9, 36:14, 36:23, 38:7, 38:10, 43:1, 55:24, 58:4, 70:8, 76:10</p> <p><b>moved</b> [9] - 12:4, 13:23, 63:2, 67:9, 68:16, 68:20, 68:22, 76:23, 76:24</p> <p><b>moving</b> [1] - 69:21</p> <p><b>mower</b> [1] - 16:14</p> <p><b>MR</b> [35] - 3:14, 4:2, 4:19, 7:24, 12:8, 12:14, 12:18, 13:11, 13:14, 14:4, 14:9, 14:17, 14:24, 15:9, 16:3, 16:10, 16:14, 16:21, 17:8, 22:15, 23:14, 23:18, 39:9, 40:2, 40:7, 40:10, 40:13, 41:1, 47:16, 47:19, 50:5, 52:7, 53:19, 54:23, 56:2</p> <p><b>MS</b> [24] - 4:23, 4:24, 5:11, 6:2, 7:5, 11:5, 12:21, 13:2, 13:5, 13:9, 17:24, 18:13, 19:8, 19:18, 20:8, 20:14, 20:21, 20:23, 21:3, 21:13, 22:3, 22:7, 56:12, 65:10</p> <p><b>multibillion</b> [3] - 62:17, 70:9, 72:8</p> <p><b>multiple</b> [1] - 22:16</p> <p><b>municipalities</b> [5] - 27:17, 60:4, 60:7, 61:17, 67:18</p> <p><b>municipality</b> [2] - 60:5, 68:18</p> <p><b>must</b> [1] - 46:17</p> <p><b>mutually</b> [1] - 54:16</p>	<p style="text-align: center;"><b>N</b></p> <p><b>name</b> [4] - 2:1, 8:3, 9:5, 9:7</p> <p><b>named</b> [2] - 7:8, 9:2</p> <p><b>Nancy</b> [1] - 18:11</p> <p><b>nation</b> [1] - 74:5</p> <p><b>nationwide</b> [1] - 49:1</p> <p><b>nature</b> [1] - 48:2</p> <p><b>nay</b> [9] - 38:14, 41:25, 57:7, 70:24, 71:1, 71:4, 76:2, 76:15, 77:1</p> <p><b>naysayer</b> [1] - 51:23</p> <p><b>near</b> [2] - 15:1, 74:2</p> <p><b>nearby</b> [1] - 14:6</p> <p><b>nearest</b> [2] - 16:19, 16:22</p> <p><b>nearly</b> [1] - 73:13</p> <p><b>necessary</b> [9] - 31:16, 34:25, 42:13, 54:22, 55:16, 62:2, 62:4, 72:2, 72:7</p> <p><b>need</b> [28] - 4:10, 6:24, 7:3, 11:12, 13:25, 14:2, 14:6, 18:8, 21:23, 27:10, 43:18, 44:6, 44:20, 44:24, 47:9, 48:6, 62:5, 62:7, 62:9, 63:12, 64:8, 64:9, 69:11, 70:5, 70:6, 72:14, 74:18</p> <p><b>needed</b> [3] - 29:22, 34:7, 61:20</p> <p><b>needs</b> [5] - 21:10, 29:6, 46:11, 67:8, 70:17</p> <p><b>negate</b> [1] - 52:6</p> <p><b>negotiate</b> [5] - 19:3, 19:4, 20:11, 68:4, 72:16</p> <p><b>negotiated</b> [2] - 19:10, 50:12</p> <p><b>negotiating</b> [1] - 19:16</p> <p><b>negotiation</b> [2] - 19:6, 28:10</p> <p><b>negotiations</b> [2] - 19:11, 32:24</p> <p><b>neighborhood</b> [1] - 30:12</p> <p><b>neighboring</b> [2] - 27:16, 27:24</p> <p><b>Nelson</b> [15] - 2:2, 8:20, 10:14, 12:21, 13:3, 38:19, 42:5, 42:10, 43:2, 57:5, 57:12, 71:4, 76:7, 76:20, 77:6</p>	<p><b>NELSON</b> [91] - 1:11, 2:1, 4:6, 4:22, 5:6, 5:20, 6:7, 7:21, 10:21, 11:20, 12:10, 12:17, 12:20, 13:1, 13:3, 13:6, 13:10, 13:13, 13:18, 14:7, 14:13, 14:18, 15:5, 16:1, 16:4, 16:17, 17:3, 17:21, 18:4, 18:15, 19:15, 20:6, 20:10, 20:19, 20:22, 20:25, 21:4, 21:20, 22:4, 22:10, 22:24, 23:20, 35:24, 36:3, 37:8, 37:11, 37:16, 37:19, 37:24, 38:7, 38:17, 38:19, 38:23, 39:25, 40:24, 41:2, 41:17, 41:21, 42:3, 42:5, 47:13, 47:18, 52:1, 53:9, 54:17, 55:17, 56:6, 57:1, 57:10, 57:12, 57:25, 58:8, 58:11, 64:23, 65:3, 66:9, 67:10, 70:19, 71:2, 71:4, 71:10, 73:10, 74:8, 75:24, 76:5, 76:7, 76:18, 76:20, 76:24, 77:4, 77:6</p> <p><b>never</b> [2] - 6:21, 64:12</p> <p><b>new</b> [1] - 71:13</p> <p><b>next</b> [7] - 6:8, 11:22, 40:11, 40:13, 45:2, 61:7, 61:13</p> <p><b>Nichols</b> [5] - 6:18, 7:7, 9:6, 9:14, 11:14</p> <p><b>Nichols'</b> [1] - 8:3</p> <p><b>night</b> [1] - 7:20</p> <p><b>nilly</b> [1] - 54:11</p> <p><b>nobody</b> [3] - 17:7, 18:6, 42:17</p> <p><b>noise</b> [4] - 16:23, 17:22, 18:3, 18:5</p> <p><b>nomenclature</b> [1] - 22:17</p> <p><b>none</b> [9] - 24:21, 38:13, 39:7, 41:4, 51:6, 57:5, 59:18, 75:25, 76:14</p> <p><b>nonengineer</b> [1] - 17:18</p> <p><b>nonissue</b> [1] - 17:7</p> <p><b>nonnegotiable</b> [1] - 26:8</p> <p><b>nonnegotiables</b> [1] - 34:8</p> <p><b>nontribal</b> [1] - 5:8</p> <p><b>Nortec</b> [2] - 66:25,</p>	<p>72:17</p> <p><b>North</b> [1] - 48:23</p> <p><b>Notary</b> [2] - 78:7, 78:18</p> <p><b>note</b> [2] - 12:15, 27:25</p> <p><b>noted</b> [1] - 30:3</p> <p><b>notes</b> [1] - 37:1</p> <p><b>nothing</b> [5] - 9:8, 28:11, 51:18, 64:1, 70:11</p> <p><b>notice</b> [18] - 7:4, 7:17, 7:23, 7:25, 8:8, 8:24, 9:1, 9:10, 9:20, 9:22, 9:23, 10:17, 10:20, 11:8, 11:9, 11:13, 11:15, 25:17</p> <p><b>notices</b> [1] - 10:3</p> <p><b>notification</b> [3] - 6:22, 46:20, 46:24</p> <p><b>notify</b> [2] - 46:14, 46:18</p> <p><b>notion</b> [1] - 9:9</p> <p><b>November</b> [3] - 1:8, 20:24, 78:11</p> <p><b>nuances</b> [1] - 10:16</p> <p><b>number</b> [15] - 3:15, 3:18, 3:22, 4:1, 26:21, 26:22, 27:1, 27:3, 34:3, 40:5, 42:14, 48:25, 50:3, 62:23, 66:4</p> <p><b>numbers</b> [1] - 48:22</p> <p><b>numerous</b> [3] - 71:16, 74:23</p>	<p><b>OF</b> [6] - 1:2, 1:4, 1:4, 78:1, 78:3</p> <p><b>offer</b> [3] - 35:10, 42:9, 68:1</p> <p><b>offering</b> [1] - 24:9</p> <p><b>officials</b> [3] - 67:19, 67:24, 69:11</p> <p><b>onboard</b> [1] - 39:22</p> <p><b>once</b> [2] - 53:22, 64:6</p> <p><b>one</b> [33] - 2:4, 3:4, 7:8, 10:19, 11:3, 11:25, 15:1, 22:8, 25:16, 26:21, 27:14, 28:5, 28:21, 28:25, 29:11, 30:3, 34:3, 35:18, 37:6, 40:11, 40:13, 42:21, 42:25, 43:4, 47:22, 48:23, 50:1, 51:14, 59:23, 62:18, 63:9, 67:14, 76:9</p> <p><b>ones</b> [1] - 69:20</p> <p><b>Onida</b> [1] - 78:13</p> <p><b>online</b> [5] - 18:21, 25:2, 42:20, 42:21, 44:1</p> <p><b>open</b> [6] - 2:24, 22:12, 23:22, 38:25, 39:2, 75:5</p> <p><b>opened</b> [1] - 53:5</p> <p><b>opens</b> [1] - 51:2</p> <p><b>operating</b> [1] - 34:6</p> <p><b>operation</b> [3] - 32:5, 45:13, 46:22</p> <p><b>opinion</b> [1] - 11:9</p> <p><b>opponent</b> [1] - 69:19</p> <p><b>opportune</b> [1] - 57:18</p> <p><b>opportunity</b> [10] - 24:3, 24:13, 24:17, 36:10, 36:15, 42:22, 45:20, 53:18, 68:18, 73:7</p> <p><b>opposed</b> [10] - 38:14, 41:24, 48:5, 57:7, 69:21, 70:24, 74:24, 76:2, 76:15, 76:25</p> <p><b>opposing</b> [1] - 73:3</p> <p><b>opposition</b> [3] - 74:1, 75:10</p> <p><b>option</b> [8] - 43:12, 60:12, 60:14, 60:15, 60:16, 60:24, 61:1, 61:2</p> <p><b>options</b> [1] - 60:8</p> <p><b>order</b> [3] - 38:24, 57:23, 72:23</p> <p><b>orderly</b> [2] - 27:4, 58:18</p> <p><b>organic</b> [34] - 46:13, 46:16, 46:17, 46:21, 46:25, 47:21, 47:23,</p>
		<b>O</b>		
		<p><b>object</b> [1] - 68:22</p> <p><b>objection</b> [2] - 22:4, 22:7</p> <p><b>objective</b> [1] - 59:10</p> <p><b>obligations</b> [1] - 21:18</p> <p><b>observation</b> [1] - 30:8</p> <p><b>observations</b> [1] - 40:19</p> <p><b>observe</b> [1] - 40:21</p> <p><b>obstruction</b> [1] - 14:1</p> <p><b>obtain</b> [1] - 56:1</p> <p><b>obtaining</b> [1] - 72:6</p> <p><b>obvious</b> [3] - 13:16, 27:12, 45:5</p> <p><b>obviously</b> [4] - 10:23, 21:17, 45:14, 67:13</p> <p><b>occasionally</b> [1] - 69:11</p> <p><b>occupied</b> [1] - 16:20</p> <p><b>October</b> [5] - 6:18, 11:23, 12:16, 19:21, 63:7</p>		

<p>48:3, 48:5, 48:8, 49:3, 49:5, 49:9, 49:12, 49:15, 50:18, 50:19, 50:21, 50:23, 51:7, 51:9, 51:14, 51:15, 52:6, 53:22, 53:25, 54:5, 54:7, 54:9, 54:15, 55:5, 55:6, 55:24, 56:10</p> <p><b>organization</b> [1] - 52:4</p> <p><b>original</b> [5] - 33:18, 45:9, 64:1, 64:3, 64:4</p> <p><b>originally</b> [2] - 49:10, 70:13</p> <p><b>ought</b> [2] - 34:14, 44:9</p> <p><b>ourselves</b> [1] - 37:4</p> <p><b>out-of-state</b> [1] - 72:8</p> <p><b>outset</b> [1] - 24:15</p> <p><b>outside</b> [2] - 32:25, 68:20</p> <p><b>outstanding</b> [1] - 2:24</p> <p><b>overall</b> [1] - 17:3</p> <p><b>overlooked</b> [1] - 58:24</p> <p><b>oversee</b> [1] - 44:23</p> <p><b>own</b> [8] - 7:15, 24:9, 44:10, 49:1, 59:7, 59:23, 71:21, 72:19</p> <p><b>owned</b> [1] - 52:22</p> <p><b>owner</b> [2] - 8:5, 33:11</p> <p><b>owns</b> [5] - 7:16, 17:13, 18:7, 53:7</p>	<p>47:22, 48:3, 48:8, 48:17, 48:20, 49:4, 49:5, 49:8, 53:25, 54:5, 54:15</p> <p><b>parcels</b> [2] - 29:24, 46:13</p> <p><b>parent</b> [1] - 21:5</p> <p><b>part</b> [7] - 17:9, 33:22, 33:23, 44:15, 49:24, 63:22, 75:19</p> <p><b>partially</b> [1] - 55:24</p> <p><b>particular</b> [9] - 5:8, 9:2, 28:12, 30:11, 36:22, 39:6, 48:21, 54:24, 70:1</p> <p><b>particularly</b> [5] - 4:12, 6:6, 27:19, 35:12, 41:9</p> <p><b>parties</b> [6] - 2:18, 2:19, 36:10, 59:1, 59:6, 75:16</p> <p><b>parts</b> [1] - 67:4</p> <p><b>party</b> [3] - 34:17, 34:23, 44:13</p> <p><b>pass</b> [1] - 42:24</p> <p><b>passed</b> [1] - 55:5</p> <p><b>passes</b> [2] - 26:7, 74:15</p> <p><b>passionate</b> [1] - 24:24</p> <p><b>past</b> [2] - 5:23, 75:1</p> <p><b>pasture</b> [3] - 46:8, 46:9, 55:23</p> <p><b>path</b> [3] - 28:23, 61:14, 62:1</p> <p><b>paths</b> [1] - 54:16</p> <p><b>pay</b> [2] - 31:1, 49:15</p> <p><b>payments</b> [1] - 30:24</p> <p><b>pennies</b> [2] - 62:16, 70:10</p> <p><b>people</b> [26] - 8:24, 9:13, 9:24, 10:7, 10:10, 12:23, 31:3, 31:8, 35:11, 44:8, 44:10, 49:1, 61:11, 61:23, 66:23, 69:14, 69:16, 69:18, 72:21, 74:4, 75:4, 75:6, 75:7, 75:8</p> <p><b>perceive</b> [2] - 29:17, 69:10</p> <p><b>perceived</b> [1] - 69:17</p> <p><b>percent</b> [4] - 50:9, 50:10, 51:5, 51:8</p> <p><b>perfect</b> [2] - 18:25, 36:3</p> <p><b>perhaps</b> [3] - 11:3, 25:3, 74:9</p> <p><b>period</b> [3] - 20:12, 52:17, 54:21</p> <p><b>periods</b> [1] - 44:4</p>	<p><b>permanent</b> [1] - 49:18</p> <p><b>permeates</b> [2] - 69:6, 69:8</p> <p><b>permission</b> [4] - 5:10, 6:1, 71:25, 72:1</p> <p><b>permit</b> [19] - 2:6, 2:9, 14:13, 20:5, 23:24, 26:5, 58:4, 60:2, 63:21, 63:23, 64:1, 64:4, 70:22, 71:7, 71:24, 72:4, 72:7, 73:1, 76:1</p> <p><b>PERMIT</b> [1] - 1:5</p> <p><b>permutations</b> [1] - 49:25</p> <p><b>person</b> [4] - 10:20, 18:6, 44:18, 44:20</p> <p><b>personality</b> [1] - 69:13</p> <p><b>personally</b> [3] - 17:12, 19:12, 20:16</p> <p><b>perspective</b> [4] - 22:12, 34:21, 36:21, 40:20</p> <p><b>perspectives</b> [1] - 22:25</p> <p><b>petroleum</b> [2] - 26:13, 30:2</p> <p><b>phone</b> [3] - 7:10, 32:8, 73:14</p> <p><b>phrase</b> [3] - 37:3, 43:11, 45:2</p> <p><b>pick</b> [3] - 10:7, 10:11, 28:21</p> <p><b>picking</b> [1] - 28:24</p> <p><b>piece</b> [2] - 9:21, 15:16</p> <p><b>pieces</b> [1] - 9:16</p> <p><b>pipe</b> [3] - 14:10, 49:20, 70:12</p> <p><b>PIPELINE</b> [1] - 1:5</p> <p><b>Pipeline</b> [3] - 2:7, 3:9, 62:4</p> <p><b>pipeline</b> [54] - 2:10, 5:22, 5:25, 6:20, 7:16, 11:24, 18:24, 19:7, 19:23, 25:18, 26:7, 26:12, 27:11, 27:15, 27:23, 28:1, 28:4, 28:14, 29:14, 29:24, 30:6, 30:8, 30:22, 31:3, 45:13, 46:4, 52:5, 53:2, 53:17, 60:5, 60:8, 60:24, 61:9, 61:12, 62:7, 62:9, 62:15, 62:17, 62:21, 63:15, 63:17, 64:7, 64:11, 64:13, 64:14, 64:15, 66:4, 67:21, 68:3, 72:5, 74:25, 75:8, 75:11, 75:15</p>	<p><b>pipeline's</b> [1] - 63:5</p> <p><b>pipelines</b> [7] - 30:2, 30:3, 32:16, 55:8, 59:21, 59:25, 61:17</p> <p><b>place</b> [3] - 34:4, 39:15, 51:8</p> <p><b>placed</b> [3] - 15:20, 42:20, 49:20</p> <p><b>placement</b> [1] - 13:25</p> <p><b>placement's</b> [1] - 12:12</p> <p><b>placements</b> [1] - 12:1</p> <p><b>places</b> [2] - 39:12, 46:9</p> <p><b>plan</b> [9] - 21:24, 21:25, 22:1, 22:9, 22:18, 22:19, 22:21, 35:18</p> <p><b>planned</b> [1] - 30:10</p> <p><b>plans</b> [1] - 20:2</p> <p><b>plant</b> [1] - 5:8</p> <p><b>plants</b> [4] - 4:13, 4:17, 5:23, 6:1</p> <p><b>play</b> [2] - 34:18, 74:9</p> <p><b>plopped</b> [1] - 13:20</p> <p><b>plot</b> [1] - 19:17</p> <p><b>plots</b> [3] - 18:24, 19:1</p> <p><b>pockets</b> [1] - 56:24</p> <p><b>point</b> [14] - 2:17, 2:21, 16:14, 23:22, 24:18, 25:21, 33:14, 34:15, 42:7, 42:17, 45:24, 53:3, 66:6, 67:16</p> <p><b>pointed</b> [1] - 73:23</p> <p><b>points</b> [3] - 65:23, 67:11, 67:12</p> <p><b>pole</b> [1] - 56:13</p> <p><b>policy</b> [2] - 32:14, 63:3</p> <p><b>populated</b> [3] - 62:1, 62:10, 63:10</p> <p><b>population</b> [2] - 67:7, 70:3</p> <p><b>portion</b> [1] - 25:18</p> <p><b>pose</b> [2] - 26:23, 58:14</p> <p><b>position</b> [4] - 9:19, 50:25, 70:16, 73:17</p> <p><b>possible</b> [5] - 29:24, 33:19, 35:14, 36:6, 45:17</p> <p><b>posted</b> [1] - 47:10</p> <p><b>posting</b> [1] - 47:7</p> <p><b>potential</b> [6] - 27:11, 29:4, 29:18, 30:14, 35:1, 66:1</p> <p><b>potentially</b> [1] - 71:18</p> <p><b>power</b> [3] - 61:5, 61:8, 61:13</p> <p><b>practical</b> [1] - 50:10</p> <p><b>practicalities</b> [1] - 48:6</p> <p><b>practically</b> [1] - 51:21</p>	<p><b>practice</b> [2] - 51:14, 63:8</p> <p><b>practices</b> [1] - 5:5</p> <p><b>preceding</b> [1] - 57:22</p> <p><b>prefer</b> [1] - 57:22</p> <p><b>prepared</b> [1] - 69:1</p> <p><b>prerogative</b> [1] - 33:12</p> <p><b>prescribed</b> [1] - 55:9</p> <p><b>present</b> [1] - 73:6</p> <p><b>presented</b> [6] - 26:1, 37:15, 38:3, 59:6, 61:7, 64:3</p> <p><b>preserving</b> [1] - 25:8</p> <p><b>pressure</b> [2] - 61:8, 61:12</p> <p><b>pretty</b> [6] - 12:2, 12:13, 15:11, 28:4, 40:19, 45:18</p> <p><b>prevent</b> [1] - 5:22</p> <p><b>previous</b> [1] - 71:12</p> <p><b>previously</b> [1] - 63:23</p> <p><b>prices</b> [1] - 54:9</p> <p><b>private</b> [2] - 4:18, 4:25</p> <p><b>problem</b> [5] - 14:12, 21:3, 39:24, 50:8, 75:15</p> <p><b>problems</b> [1] - 35:1</p> <p><b>proceed</b> [7] - 2:15, 2:17, 35:23, 36:1, 36:9, 50:2, 70:21</p> <p><b>proceeding</b> [2] - 53:12, 77:8</p> <p><b>proceedings</b> [7] - 8:25, 9:21, 10:18, 59:14, 78:9, 78:12</p> <p><b>Proceedings</b> [1] - 1:7</p> <p><b>process</b> [17] - 8:13, 9:20, 11:1, 11:4, 24:5, 24:23, 25:16, 26:4, 34:18, 39:24, 42:16, 64:9, 67:25, 72:7, 74:22, 75:19</p> <p><b>producing</b> [2] - 26:11, 34:2</p> <p><b>products</b> [1] - 26:14</p> <p><b>Professional</b> [2] - 78:6, 78:19</p> <p><b>professional</b> [2] - 59:2, 73:6</p> <p><b>project</b> [12] - 4:1, 33:11, 33:21, 34:4, 36:19, 39:6, 39:15, 47:23, 53:2, 58:5, 70:9, 75:20</p> <p><b>proof</b> [6] - 26:15, 58:6, 58:13, 63:21, 63:25, 65:17</p> <p><b>proper</b> [15] - 6:22, 7:3, 7:23, 7:25, 32:17, 34:3, 34:4, 34:5,</p>
<b>P</b>				
<p><b>p.m</b> [1] - 10:15</p> <p><b>package</b> [3] - 35:13, 35:14, 36:22</p> <p><b>padding</b> [1] - 56:24</p> <p><b>page</b> [10] - 12:15, 37:25, 39:13, 40:5, 43:10, 43:21, 44:1, 44:11, 68:25</p> <p><b>pager</b> [1] - 42:19</p> <p><b>pages</b> [3] - 36:7, 37:1, 38:5</p> <p><b>paid</b> [5] - 31:5, 35:5, 49:11, 50:12, 56:23</p> <p><b>Pandora's</b> [1] - 51:3</p> <p><b>paper</b> [1] - 11:8</p> <p><b>paragraph</b> [4] - 46:12, 47:21, 57:3, 57:7</p> <p><b>paragraphs</b> [1] - 21:23</p> <p><b>parameters</b> [1] - 55:11</p> <p><b>paramount</b> [1] - 60:9</p> <p><b>paraphrase</b> [1] - 63:22</p> <p><b>parcel</b> [19] - 8:7, 9:2, 9:5, 46:15, 46:17, 46:19, 46:21, 46:25,</p>				

<p>34:7, 34:13, 34:15, 43:25, 45:4, 50:13</p> <p><b>properly</b> [5] - 33:10, 37:3, 45:12, 46:2, 64:7</p> <p><b>properties</b> [4] - 29:5, 60:19, 72:6, 75:1</p> <p><b>property</b> [27] - 4:18, 5:4, 5:9, 11:25, 15:14, 15:16, 16:25, 17:9, 18:7, 25:12, 29:14, 29:17, 30:18, 30:25, 31:5, 31:10, 32:5, 33:11, 33:18, 33:21, 50:14, 52:12, 53:7, 53:18, 66:25, 72:9, 72:21</p> <p><b>proposed</b> [14] - 3:6, 3:20, 5:24, 6:20, 26:21, 41:3, 41:4, 43:3, 57:3, 58:5, 62:5, 62:21, 62:23, 63:9</p> <p><b>proposing</b> [2] - 43:7, 44:2</p> <p><b>protect</b> [6] - 14:6, 42:14, 56:19, 64:19, 69:3, 69:23</p> <p><b>protected</b> [1] - 10:25</p> <p><b>protecting</b> [1] - 46:24</p> <p><b>protection</b> [2] - 35:11, 69:4</p> <p><b>protections</b> [1] - 41:8</p> <p><b>prove</b> [3] - 64:8, 65:17, 73:7</p> <p><b>provide</b> [3] - 9:4, 31:14, 35:10</p> <p><b>provided</b> [7] - 31:17, 31:20, 35:14, 37:12, 43:16, 43:20, 59:22</p> <p><b>providing</b> [2] - 59:10, 64:1</p> <p><b>provisions</b> [1] - 41:8</p> <p><b>Public</b> [4] - 32:23, 64:12, 78:7, 78:18</p> <p><b>public</b> [5] - 5:14, 11:16, 26:17, 32:14, 35:4</p> <p><b>PUBLIC</b> [2] - 1:1, 1:10</p> <p><b>publish</b> [3] - 9:11, 10:4, 10:6</p> <p><b>publishes</b> [1] - 9:11</p> <p><b>publishing</b> [1] - 10:5</p> <p><b>PUC</b> [8] - 7:11, 24:1, 25:23, 26:19, 28:17, 34:10, 34:21, 38:23</p> <p><b>PUCs</b> [1] - 33:3</p> <p><b>pull</b> [4] - 4:20, 14:24, 15:2, 15:10</p> <p><b>pump</b> [6] - 14:19,</p>	<p>14:22, 15:7, 15:20, 15:23, 16:8</p> <p><b>purchase</b> [1] - 15:16</p> <p><b>purchased</b> [1] - 15:20</p> <p><b>purposely</b> [1] - 54:20</p> <p><b>purposes</b> [1] - 50:10</p> <p><b>pursuant</b> [1] - 2:11</p> <p><b>purview</b> [2] - 32:19, 32:25</p> <p><b>put</b> [11] - 8:6, 11:9, 12:5, 17:1, 18:24, 19:17, 25:18, 28:2, 44:17, 52:5, 53:16</p> <p><b>putting</b> [1] - 51:7</p>	<p><b>read</b> [3] - 13:11, 51:20, 52:8</p> <p><b>readily</b> [1] - 53:14</p> <p><b>reading</b> [3] - 49:7, 52:14, 54:1</p> <p><b>readings</b> [1] - 17:10</p> <p><b>reads</b> [1] - 58:12</p> <p><b>Real</b> [1] - 4:8</p> <p><b>real</b> [3] - 15:2, 41:19, 59:15</p> <p><b>REAL</b> [2] - 4:19, 4:23</p> <p><b>really</b> [9] - 4:21, 5:7, 30:24, 31:2, 31:4, 50:23, 50:25, 51:11, 67:17</p> <p><b>Realtime</b> [2] - 78:6, 78:19</p> <p><b>reapplication</b> [3] - 63:20, 63:24, 64:2</p> <p><b>reapply</b> [1] - 65:16</p> <p><b>reason</b> [7] - 11:7, 11:10, 22:14, 24:10, 54:7, 63:1, 75:12</p> <p><b>reasonable</b> [2] - 46:23, 72:2</p> <p><b>reasoning</b> [1] - 11:6</p> <p><b>reasons</b> [1] - 54:8</p> <p><b>receive</b> [4] - 7:10, 7:23, 7:25, 15:22</p> <p><b>received</b> [9] - 2:17, 6:16, 7:3, 11:23, 18:1, 18:2, 20:15, 32:7, 73:14</p> <p><b>receiving</b> [5] - 7:12, 25:17, 60:2, 71:24, 73:1</p> <p><b>receptor</b> [1] - 16:23</p> <p><b>recess</b> [10] - 36:9, 36:14, 36:16, 38:11, 38:12, 38:14, 38:20, 38:22, 47:10, 47:12</p> <p><b>reclamation</b> [9] - 26:9, 33:14, 33:17, 33:21, 34:3, 34:16, 44:19, 44:24, 46:22</p> <p><b>recommend</b> [1] - 36:6</p> <p><b>record</b> [3] - 9:4, 28:3, 53:11</p> <p><b>red</b> [1] - 43:5</p> <p><b>redundancy</b> [2] - 11:6, 11:10</p> <p><b>reestablishment</b> [1] - 34:7</p> <p><b>reference</b> [3] - 15:4, 16:15, 40:5</p> <p><b>references</b> [2] - 22:16, 71:16</p> <p><b>referencing</b> [1] - 40:14</p> <p><b>refuel</b> [1] - 52:12</p> <p><b>refuses</b> [1] - 31:14</p>	<p><b>regain</b> [2] - 53:18, 55:16</p> <p><b>regard</b> [2] - 17:22, 66:25</p> <p><b>regarding</b> [5] - 2:12, 19:11, 63:21, 64:3, 76:10</p> <p><b>regardless</b> [1] - 9:8</p> <p><b>region</b> [2] - 27:4, 58:19</p> <p><b>Registered</b> [2] - 78:5, 78:19</p> <p><b>regret</b> [2] - 10:19, 75:21</p> <p><b>reimburse</b> [1] - 73:2</p> <p><b>reiteration</b> [1] - 67:12</p> <p><b>related</b> [1] - 68:3</p> <p><b>relationships</b> [2] - 5:3, 5:18</p> <p><b>relative</b> [2] - 62:15, 64:21</p> <p><b>release</b> [1] - 19:22</p> <p><b>reliability</b> [1] - 31:16</p> <p><b>relieve</b> [1] - 69:2</p> <p><b>remainder</b> [1] - 65:19</p> <p><b>remaining</b> [1] - 51:6</p> <p><b>remarks</b> [2] - 64:20, 75:19</p> <p><b>remember</b> [6] - 3:13, 15:1, 15:10, 15:18, 16:9, 21:15</p> <p><b>reminder</b> [1] - 29:6</p> <p><b>remove</b> [4] - 44:3, 54:17, 57:2, 61:24</p> <p><b>removing</b> [1] - 44:5</p> <p><b>renegotiate</b> [1] - 50:16</p> <p><b>renter</b> [1] - 55:20</p> <p><b>repair</b> [4] - 34:7, 45:15, 45:17, 52:11</p> <p><b>repaired</b> [1] - 45:18</p> <p><b>repairing</b> [1] - 45:7</p> <p><b>repairs</b> [1] - 45:11</p> <p><b>repeat</b> [1] - 12:18</p> <p><b>repeatedly</b> [1] - 72:13</p> <p><b>replacement</b> [1] - 45:11</p> <p><b>replacing</b> [1] - 45:7</p> <p><b>Reported</b> [1] - 1:23</p> <p><b>Reporter</b> [4] - 78:6, 78:19, 78:19</p> <p><b>reporter</b> [1] - 78:9</p> <p><b>reprehensible</b> [1] - 71:24</p> <p><b>representatives</b> [2] - 31:11, 58:25</p> <p><b>represented</b> [2] - 56:3, 59:2</p> <p><b>representing</b> [2] - 6:11, 7:22</p> <p><b>requested</b> [2] - 2:13,</p>	<p>76:12</p> <p><b>requesting</b> [1] - 71:25</p> <p><b>requests</b> [1] - 52:10</p> <p><b>require</b> [2] - 30:9, 31:22</p> <p><b>required</b> [3] - 10:3, 11:8, 46:20</p> <p><b>requirement</b> [2] - 9:12, 10:7</p> <p><b>reroute</b> [1] - 61:24</p> <p><b>rerouting</b> [1] - 62:15</p> <p><b>research</b> [1] - 54:13</p> <p><b>residence</b> [5] - 10:14, 14:21, 16:20, 17:13, 20:16</p> <p><b>residential</b> [1] - 60:20</p> <p><b>resides</b> [1] - 7:1</p> <p><b>resolve</b> [3] - 28:10, 32:18, 71:17</p> <p><b>resolved</b> [2] - 2:8, 14:16</p> <p><b>resources</b> [1] - 5:15</p> <p><b>respect</b> [2] - 66:7, 73:5</p> <p><b>response</b> [10] - 5:6, 11:21, 19:2, 21:24, 21:25, 22:1, 22:9, 22:17, 22:19, 22:21</p> <p><b>responsibility</b> [4] - 64:18, 69:3, 69:23, 71:20</p> <p><b>responsible</b> [3] - 45:7, 45:11, 46:1</p> <p><b>restoration</b> [2] - 44:16, 46:9</p> <p><b>return</b> [1] - 10:13</p> <p><b>returns</b> [1] - 33:17</p> <p><b>revenue</b> [1] - 31:11</p> <p><b>Revenue</b> [5] - 31:13, 31:21, 31:22, 32:1, 32:9</p> <p><b>review</b> [3] - 36:11, 36:15, 39:15</p> <p><b>reviewed</b> [1] - 39:10</p> <p><b>RICHARD</b> [1] - 1:12</p> <p><b>rights</b> [7] - 4:11, 5:1, 5:4, 5:19, 10:25, 33:11, 72:9</p> <p><b>Rislov</b> [1] - 1:16</p> <p><b>River</b> [2] - 6:4, 6:6</p> <p><b>road</b> [1] - 14:21</p> <p><b>rods</b> [3] - 52:23, 52:24, 53:1</p> <p><b>Rolayne</b> [2] - 1:14, 59:15</p> <p><b>role</b> [1] - 34:18</p> <p><b>room</b> [2] - 18:20, 25:1</p> <p><b>rose</b> [1] - 29:10</p> <p><b>Rounds</b> [1] - 1:16</p> <p><b>rounds</b> [1] - 2:18</p>
	<b>Q</b>			
<p><b>quagmire</b> [1] - 53:10</p> <p><b>quantitative</b> [1] - 29:21</p> <p><b>quantitatively</b> [1] - 29:13</p> <p><b>quarter</b> [11] - 8:6, 12:5, 13:23, 14:5, 14:22, 38:21, 49:18, 49:19, 52:22, 53:1, 60:22</p> <p><b>questioned</b> [1] - 27:18</p> <p><b>questions</b> [24] - 2:8, 2:23, 3:2, 4:6, 6:13, 13:7, 18:5, 18:17, 18:22, 21:1, 21:5, 21:15, 23:3, 23:5, 23:21, 27:14, 48:18, 49:25, 52:2, 53:4, 53:14, 56:7, 59:10, 75:9</p> <p><b>quick</b> [1] - 15:3</p> <p><b>quickly</b> [2] - 4:21, 26:10</p> <p><b>quite</b> [3] - 15:15, 26:3, 57:19</p>				
	<b>R</b>			
<p><b>railroads</b> [2] - 59:21, 61:22</p> <p><b>raised</b> [1] - 27:14</p> <p><b>raises</b> [1] - 67:13</p> <p><b>ramifications</b> [1] - 74:25</p> <p><b>ran</b> [1] - 56:13</p> <p><b>rancher</b> [1] - 33:15</p> <p><b>ranchers</b> [2] - 26:10, 34:1</p> <p><b>rappold</b> [1] - 66:20</p> <p><b>rather</b> [1] - 30:10</p> <p><b>raw</b> [3] - 39:20, 39:21, 40:1</p>				



<p><b>route</b> [24] - 5:25, 6:20, 27:11, 28:20, 42:14, 49:14, 60:8, 60:12, 60:20, 60:22, 61:4, 61:7, 62:14, 62:19, 62:21, 62:23, 63:1, 63:5, 63:9, 64:11, 64:15, 65:8, 65:12, 65:19</p> <p><b>routed</b> [3] - 28:14, 64:7, 66:16</p> <p><b>routes</b> [1] - 65:9</p> <p><b>routing</b> [9] - 27:19, 27:22, 28:4, 28:10, 28:17, 62:9, 64:13, 64:14, 67:21</p> <p><b>row</b> [2] - 43:22, 43:23</p> <p><b>RPR</b> [1] - 1:23</p> <p><b>rule</b> [1] - 51:24</p> <p><b>rules</b> [2] - 26:22, 57:23</p> <p><b>run</b> [2] - 12:22, 61:18</p> <p><b>running</b> [1] - 59:16</p> <p><b>rural</b> [2] - 23:11, 25:14</p> <p><b>Rural</b> [1] - 23:9</p>	<p>44:24</p> <p><b>secondly</b> [3] - 12:4, 51:5, 67:23</p> <p><b>section</b> [5] - 8:7, 49:19, 52:22, 53:1</p> <p><b>see</b> [13] - 6:9, 25:1, 43:5, 43:6, 44:21, 47:14, 49:21, 54:14, 66:2, 67:5, 69:19, 69:24, 75:15</p> <p><b>seeing</b> [3] - 41:4, 57:5, 75:25</p> <p><b>segregation</b> [1] - 43:12</p> <p><b>selling</b> [1] - 17:9</p> <p><b>send</b> [7] - 8:4, 8:24, 9:1, 9:4, 9:10, 9:15, 10:3</p> <p><b>sense</b> [5] - 3:1, 18:25, 35:22, 43:24, 50:7</p> <p><b>sensitive</b> [3] - 16:23, 18:5, 18:23</p> <p><b>sent</b> [1] - 9:8</p> <p><b>sentence</b> [1] - 44:5</p> <p><b>sentences</b> [1] - 45:6</p> <p><b>separately</b> [1] - 24:10</p> <p><b>September</b> [1] - 8:18</p> <p><b>series</b> [2] - 13:7, 18:16</p> <p><b>serious</b> [5] - 14:15, 26:23, 29:8, 30:15, 58:14</p> <p><b>serve</b> [1] - 8:24</p> <p><b>served</b> [5] - 8:23, 10:12, 10:14, 19:8, 20:23</p> <p><b>service</b> [2] - 8:4, 10:13</p> <p><b>set</b> [4] - 37:20, 42:9, 64:15, 71:15</p> <p><b>settled</b> [1] - 55:14</p> <p><b>settlement</b> [1] - 68:4</p> <p><b>several</b> [7] - 4:7, 7:6, 24:9, 32:8, 56:13, 59:11, 66:23</p> <p><b>shall</b> [10] - 2:8, 2:11, 2:15, 45:3, 45:7, 45:10, 46:14, 48:4, 63:24, 65:5</p> <p><b>share</b> [8] - 5:24, 10:24, 25:10, 37:4, 37:5, 50:4, 74:11</p> <p><b>sheriff</b> [1] - 8:24</p> <p><b>sheriff's</b> [1] - 10:13</p> <p><b>shoes</b> [1] - 13:21</p> <p><b>short</b> [3] - 38:22, 47:10, 47:12</p> <p><b>shortcomings</b> [1] - 75:20</p> <p><b>shortest</b> [1] - 62:14</p> <p><b>shorthand</b> [2] - 78:9</p> <p><b>shot</b> [1] - 60:9</p>	<p><b>show</b> [1] - 72:14</p> <p><b>showed</b> [2] - 27:22, 60:18</p> <p><b>showing</b> [1] - 30:1</p> <p><b>shown</b> [3] - 71:19, 71:22, 73:4</p> <p><b>shrugged</b> [1] - 52:18</p> <p><b>Sibsons</b> [1] - 35:2</p> <p><b>sides</b> [2] - 46:24, 59:8</p> <p><b>sign</b> [1] - 19:22</p> <p><b>signed</b> [4] - 49:10, 56:3, 56:21, 56:25</p> <p><b>significantly</b> [1] - 62:22</p> <p><b>silence</b> [4] - 28:11, 69:2, 70:1, 73:25</p> <p><b>silent</b> [2] - 68:7, 73:24</p> <p><b>similar</b> [2] - 37:7, 60:14</p> <p><b>simple</b> [2] - 19:5, 25:9</p> <p><b>simply</b> [15] - 26:3, 31:18, 31:25, 36:18, 37:21, 39:5, 41:6, 43:25, 50:21, 52:5, 53:4, 60:2, 66:16, 70:8, 70:17</p> <p><b>simultaneously</b> [1] - 3:23</p> <p><b>single</b> [1] - 9:21</p> <p><b>Sioux</b> [15] - 2:14, 4:9, 4:12, 4:16, 27:21, 28:6, 28:8, 28:15, 30:2, 47:24, 60:11, 68:2, 68:22, 75:2, 76:12</p> <p><b>sit</b> [4] - 8:14, 9:6, 28:17, 54:12</p> <p><b>siting</b> [4] - 10:10, 26:25, 58:16, 72:4</p> <p><b>sits</b> [1] - 14:10</p> <p><b>situation</b> [8] - 7:1, 15:10, 18:22, 21:10, 48:6, 56:19, 70:1, 74:17</p> <p><b>six</b> [1] - 73:18</p> <p><b>skilled</b> [1] - 59:17</p> <p><b>skip</b> [1] - 9:14</p> <p><b>slash</b> [2] - 39:16, 39:22</p> <p><b>slope</b> [2] - 45:5, 45:10</p> <p><b>social</b> [2] - 26:24, 58:15</p> <p><b>sole</b> [2] - 28:8, 68:2</p> <p><b>solely</b> [1] - 47:21</p> <p><b>solve</b> [1] - 55:13</p> <p><b>sometimes</b> [2] - 17:18, 73:21</p> <p><b>somewhere</b> [1] - 75:3</p> <p><b>sophomorically</b> [1] - 70:14</p>	<p><b>sort</b> [4] - 49:16, 52:18, 61:15, 69:17</p> <p><b>sounds</b> [3] - 3:24, 14:25, 66:20</p> <p><b>sources</b> [1] - 53:21</p> <p><b>SOUTH</b> [2] - 1:2, 78:1</p> <p><b>south</b> [2] - 27:20, 28:15</p> <p><b>South</b> [36] - 10:25, 23:8, 25:14, 25:19, 25:25, 28:22, 30:23, 30:25, 31:3, 31:8, 35:6, 35:12, 41:9, 50:9, 50:21, 54:25, 58:5, 62:11, 63:11, 63:19, 64:16, 64:19, 66:5, 70:3, 71:14, 71:23, 72:3, 72:9, 74:5, 74:11, 74:23, 75:10, 75:18, 78:7, 78:13</p> <p><b>space</b> [2] - 30:6, 30:11</p> <p><b>speaking</b> [1] - 66:20</p> <p><b>specifically</b> [3] - 36:16, 37:19, 39:3</p> <p><b>specify</b> [1] - 55:6</p> <p><b>spend</b> [4] - 24:19, 27:8, 29:3, 30:17</p> <p><b>spent</b> [3] - 31:9, 43:13, 61:24</p> <p><b>sphere</b> [1] - 68:20</p> <p><b>spoken</b> [3] - 7:14, 9:25, 12:24</p> <p><b>Spotted</b> [1] - 6:2</p> <p><b>spreads</b> [6] - 3:9, 3:10, 3:15, 3:18, 3:22, 4:1</p> <p><b>squarely</b> [1] - 33:12</p> <p><b>SS</b> [1] - 78:2</p> <p><b>STAFF</b> [1] - 1:13</p> <p><b>staff</b> [12] - 3:20, 7:5, 7:9, 7:10, 16:19, 24:1, 34:10, 47:6, 56:9, 59:9, 59:12, 65:2</p> <p><b>stand</b> [2] - 18:19, 67:9</p> <p><b>standard</b> [8] - 16:22, 26:19, 26:20, 27:7, 29:9, 47:18, 50:18, 50:20</p> <p><b>standpoint</b> [2] - 66:15, 67:8</p> <p><b>start</b> [3] - 29:6, 35:9, 55:12</p> <p><b>started</b> [1] - 15:22</p> <p><b>starting</b> [1] - 34:15</p> <p><b>starts</b> [2] - 34:3, 48:4</p> <p><b>State</b> [9] - 25:24, 26:20, 35:11, 50:9, 70:3, 74:23, 75:10,</p>	<p>75:18, 78:7</p> <p><b>STATE</b> [2] - 1:2, 78:1</p> <p><b>state</b> [12] - 3:17, 9:22, 26:16, 33:18, 47:1, 50:20, 55:1, 55:8, 65:8, 67:4, 67:8, 72:8</p> <p><b>State's</b> [1] - 33:10</p> <p><b>statement</b> [1] - 71:11</p> <p><b>states</b> [4] - 32:4, 33:3, 58:22, 63:22</p> <p><b>stating</b> [1] - 61:17</p> <p><b>station</b> [6] - 14:19, 14:23, 15:7, 15:21, 15:23, 16:8</p> <p><b>status</b> [2] - 50:16, 55:16</p> <p><b>statute</b> [4] - 9:3, 11:6, 11:9, 54:25</p> <p><b>statutes</b> [1] - 55:5</p> <p><b>statutory</b> [5] - 27:13, 28:19, 29:7, 30:15, 64:10</p> <p><b>stay</b> [1] - 51:3</p> <p><b>stemmed</b> [1] - 49:11</p> <p><b>step</b> [1] - 34:25</p> <p><b>stewards</b> [1] - 74:6</p> <p><b>still</b> [13] - 5:12, 12:8, 45:25, 46:6, 48:15, 48:20, 49:23, 52:15, 52:20, 61:23, 69:23, 73:7</p> <p><b>stipulated</b> [4] - 2:12, 17:1, 24:1, 76:11</p> <p><b>Stipulated</b> [8] - 16:18, 21:22, 24:16, 34:9, 34:11, 34:14, 35:8, 56:10</p> <p><b>stipulation</b> [2] - 21:22, 44:15</p> <p><b>stipulations</b> [1] - 23:10</p> <p><b>Stofferahn</b> [5] - 6:11, 13:4, 18:11, 18:14, 74:17</p> <p><b>STOFFERAHN</b> [11] - 13:2, 13:5, 13:9, 18:13, 19:8, 19:18, 20:8, 20:14, 20:21, 20:23, 21:3</p> <p><b>stop</b> [3] - 30:9, 60:1, 63:17</p> <p><b>story</b> [5] - 25:4, 25:5, 25:9, 25:10</p> <p><b>stream</b> [1] - 14:6</p> <p><b>stripping</b> [1] - 34:5</p> <p><b>strong</b> [1] - 45:21</p> <p><b>struck</b> [1] - 43:22</p> <p><b>structure</b> [1] - 15:11</p> <p><b>struggle</b> [2] - 68:7,</p>
<b>S</b>				
<p><b>safer</b> [3] - 59:21, 59:25</p> <p><b>safety</b> [2] - 27:2, 40:20</p> <p><b>sagging</b> [1] - 45:24</p> <p><b>sandbags</b> [1] - 46:3</p> <p><b>sat</b> [1] - 30:18</p> <p><b>satisfied</b> [2] - 21:14, 53:7</p> <p><b>Sattgast</b> [12] - 2:3, 16:5, 38:17, 42:1, 57:8, 64:25, 65:21, 70:25, 73:12, 76:3, 76:16, 77:2</p> <p><b>SATTGAST</b> [16] - 1:12, 16:6, 16:12, 16:16, 38:18, 42:2, 57:9, 65:1, 65:4, 65:20, 71:1, 73:13, 76:4, 76:17, 76:23, 77:3</p> <p><b>Sattgast's</b> [1] - 66:14</p> <p><b>save</b> [1] - 54:4</p> <p><b>saved</b> [1] - 69:12</p> <p><b>saw</b> [2] - 5:8, 38:4</p> <p><b>scale</b> [1] - 33:21</p> <p><b>scheduled</b> [1] - 11:24</p> <p><b>schools</b> [1] - 31:6</p> <p><b>SDCL</b> [1] - 2:11</p> <p><b>season</b> [1] - 44:21</p> <p><b>seating</b> [1] - 75:6</p> <p><b>second</b> [5] - 4:20, 37:20, 40:15, 42:9,</p>				11

<p>68:9  <b>stuck</b> [1] - 51:25  <b>stuff</b> [1] - 20:3  <b>sub</b> [7] - 37:25, 39:14, 40:8, 40:25, 43:10, 44:2, 44:5  <b>Sub</b> [1] - 44:12  <b>subject</b> [3] - 40:14, 49:14, 51:9  <b>submit</b> [1] - 11:18  <b>subpoena</b> [1] - 19:8  <b>subsection</b> [3] - 58:17, 58:22  <b>subsequent</b> [2] - 41:16, 66:25  <b>subsequently</b> [1] - 68:25  <b>subset</b> [1] - 40:13  <b>substantial</b> [4] - 9:13, 29:8, 30:16, 39:18  <b>substantially</b> [3] - 10:18, 27:1, 54:9  <b>substitute</b> [6] - 35:19, 58:9, 64:24, 70:21, 70:23, 71:5  <b>succeeding</b> [1] - 54:19  <b>success</b> [1] - 33:23  <b>sudden</b> [1] - 69:22  <b>sue</b> [1] - 72:14  <b>sued</b> [2] - 19:18, 73:1  <b>suggest</b> [1] - 65:9  <b>suggesting</b> [1] - 13:14  <b>suggestion</b> [1] - 28:13  <b>suing</b> [3] - 72:2, 72:12, 72:13  <b>SULLY</b> [1] - 78:3  <b>sum</b> [1] - 47:2  <b>sunk</b> [1] - 17:16  <b>support</b> [5] - 31:6, 39:16, 39:18, 39:22, 47:4  <b>supporting</b> [1] - 74:7  <b>surprised</b> [1] - 15:23  <b>surprisingly</b> [1] - 61:6  <b>survey</b> [3] - 19:22, 71:25, 72:6  <b>surveys</b> [1] - 71:25  <b>suspect</b> [2] - 72:16, 75:16  <b>swayed</b> [1] - 73:21  <b>sympathize</b> [1] - 56:18  <b>system</b> [1] - 75:18  <b>systems</b> [1] - 23:11</p>	<p>59:16  <b>talks</b> [1] - 12:23  <b>tax</b> [1] - 30:18  <b>taxation</b> [2] - 31:10, 32:16  <b>taxes</b> [3] - 30:25, 31:5, 32:5  <b>taxpayer</b> [1] - 9:4  <b>taxpayers</b> [1] - 35:6  <b>Tea</b> [8] - 60:14, 60:16, 60:21, 60:23, 63:2, 63:6, 67:25, 68:16  <b>technical</b> [3] - 17:17, 22:18, 22:20  <b>technically</b> [1] - 59:17  <b>telephone</b> [1] - 6:10  <b>tenant</b> [3] - 48:9, 51:17, 56:25  <b>term</b> [6] - 21:24, 21:25, 22:5, 30:25, 52:24  <b>terminology</b> [1] - 22:13  <b>terrific</b> [1] - 59:16  <b>territory</b> [2] - 4:14, 4:17  <b>test</b> [3] - 18:24, 18:25, 19:17  <b>testified</b> [10] - 31:12, 55:22, 59:24, 60:4, 60:7, 62:6, 62:18, 62:25, 63:12, 70:6  <b>testify</b> [1] - 6:3  <b>testimony</b> [19] - 16:7, 23:8, 25:6, 27:20, 28:13, 29:10, 29:13, 29:15, 29:16, 29:19, 29:21, 29:23, 45:15, 45:16, 60:18, 66:18, 66:22, 67:5, 75:9  <b>THE</b> [6] - 1:1, 1:2, 1:4, 1:5, 1:10  <b>themselves</b> [4] - 49:3, 59:1, 69:12, 73:8  <b>they've</b> [3] - 19:14, 20:17, 70:11  <b>thinking</b> [5] - 3:12, 33:5, 37:6, 39:21, 61:11  <b>third</b> [3] - 34:17, 34:23, 44:13  <b>third-party</b> [3] - 34:17, 34:23, 44:13  <b>thoroughly</b> [2] - 21:14, 26:17  <b>thoughts</b> [1] - 49:13  <b>threat</b> [2] - 26:23, 58:14  <b>three</b> [20] - 3:10, 19:9, 22:2, 24:21, 27:1,</p>	<p>29:7, 37:12, 46:10, 51:15, 51:24, 52:16, 52:17, 52:20, 52:23, 53:17, 53:20, 53:23, 54:21, 67:14, 68:25  <b>three-year</b> [2] - 52:16, 54:21  <b>throughout</b> [5] - 22:5, 26:3, 42:15, 46:21, 72:11  <b>thumbs</b> [2] - 24:13  <b>tied</b> [1] - 5:12  <b>ties</b> [2] - 5:17  <b>tile</b> [10] - 34:7, 45:8, 45:10, 45:12, 45:15, 45:16, 45:17, 45:23, 46:1, 46:4  <b>timber</b> [6] - 39:16, 39:17, 39:20, 39:21, 39:23, 40:1  <b>timbers</b> [1] - 39:18  <b>title</b> [1] - 22:18  <b>TO</b> [1] - 1:5  <b>today</b> [5] - 2:4, 2:8, 26:6, 28:18, 54:12  <b>together</b> [1] - 14:16  <b>token</b> [1] - 29:20  <b>Tom</b> [1] - 18:14  <b>took</b> [3] - 15:6, 56:12, 78:9  <b>top</b> [2] - 43:10, 43:21  <b>topsoil</b> [2] - 34:5, 43:12  <b>totally</b> [1] - 72:1  <b>toward</b> [1] - 34:15  <b>towards</b> [3] - 18:18, 55:24, 59:18  <b>township</b> [1] - 31:6  <b>track</b> [1] - 18:8  <b>tract</b> [2] - 14:12, 49:11  <b>tracts</b> [1] - 50:9  <b>trade</b> [1] - 14:7  <b>trade-off</b> [1] - 14:7  <b>traditions</b> [1] - 5:5  <b>trampling</b> [1] - 72:8  <b>TransCanada</b> [1] - 3:19  <b>Transcript</b> [1] - 1:7  <b>transcription</b> [1] - 78:12  <b>traverses</b> [1] - 28:2  <b>tribal</b> [5] - 4:11, 5:2, 5:16, 5:22, 5:25  <b>Tribe</b> [3] - 4:9, 4:12, 4:16  <b>tried</b> [2] - 10:2, 61:3  <b>trivial</b> [1] - 72:10  <b>Troy</b> [1] - 23:7  <b>trucks</b> [1] - 59:21  <b>true</b> [2] - 68:15, 78:11</p>	<p><b>try</b> [3] - 9:14, 35:3, 36:25  <b>trying</b> [10] - 3:8, 15:9, 15:18, 16:6, 35:18, 35:19, 37:3, 37:7, 51:3, 66:7  <b>turn</b> [2] - 26:15, 56:9  <b>two</b> [14] - 2:18, 3:12, 26:22, 35:9, 39:12, 40:22, 41:12, 45:6, 46:9, 47:11, 52:12, 60:15, 67:11, 67:17  <b>type</b> [1] - 61:25  <b>types</b> [1] - 17:18  <b>typically</b> [1] - 73:21</p>	<p><b>upstairs</b> [1] - 12:22 12  <b>urban</b> [1] - 61:22  <b>usage</b> [1] - 53:21  <b>uses</b> [1] - 52:4  <b>Utilities</b> [2] - 32:23, 64:12  <b>UTILITIES</b> [2] - 1:1, 1:10  <b>utilize</b> [2] - 5:15, 34:23  <b>utilizing</b> [1] - 22:5</p>
<b>V</b>				
<p><b>valuable</b> [1] - 34:18  <b>value</b> [1] - 29:17  <b>valve</b> [5] - 12:1, 12:12, 13:15, 13:20, 13:25  <b>variety</b> [1] - 71:17  <b>verbally</b> [1] - 43:19  <b>verified</b> [1] - 32:7  <b>view</b> [5] - 8:22, 9:9, 9:23, 10:5, 24:17  <b>views</b> [3] - 27:5, 58:20, 68:6  <b>violate</b> [1] - 30:15  <b>virtue</b> [1] - 48:16  <b>visual</b> [3] - 15:17, 18:1, 40:18  <b>visually</b> [1] - 40:21  <b>voice</b> [1] - 73:20  <b>voids</b> [1] - 9:20  <b>voltage</b> [2] - 61:7, 61:13  <b>vote</b> [6] - 41:24, 70:21, 70:24, 76:1, 76:14, 76:25  <b>votes</b> [7] - 38:19, 42:5, 57:12, 71:4, 76:7, 76:20, 77:6</p>				
<b>W</b>				
<p><b>walked</b> [1] - 47:17  <b>wants</b> [3] - 6:14, 42:23, 56:1  <b>Water</b> [1] - 23:9  <b>water</b> [1] - 23:11  <b>wave</b> [1] - 69:10  <b>ways</b> [1] - 44:8  <b>website</b> [2] - 47:7, 54:3  <b>week</b> [3] - 21:16, 23:15, 23:16  <b>weeks</b> [1] - 19:9  <b>weighed</b> [1] - 67:17  <b>weight</b> [1] - 68:5  <b>welcome</b> [1] - 40:10  <b>welding</b> [1] - 52:10</p>				
<b>T</b>				
<p><b>table</b> [1] - 19:4  <b>talent</b> [2] - 41:19,</p>				

<p><b>welfare</b> <sup>[1]</sup> - 27:2  <b>well-aware</b> <sup>[1]</sup> - 17:8  <b>Wellnitz</b> <sup>[2]</sup> - 11:24,  13:12  <b>west</b> <sup>[3]</sup> - 14:22,  15:25, 28:14  <b>wetlands</b> <sup>[1]</sup> - 39:17  <b>whim</b> <sup>[1]</sup> - 26:18  <b>white</b> <sup>[2]</sup> - 19:24, 20:1  <b>whitewash</b> <sup>[1]</sup> - 10:2  <b>whoever's</b> <sup>[1]</sup> - 66:20  <b>whole</b> <sup>[2]</sup> - 15:6, 49:22  <b>wholly</b> <sup>[1]</sup> - 69:15  <b>width</b> <sup>[3]</sup> - 40:16,  40:18, 40:20  <b>Wiest</b> <sup>[2]</sup> - 1:14, 59:15  <b>willing</b> <sup>[6]</sup> - 13:16,  19:3, 45:19, 68:3,  72:15  <b>willingness</b> <sup>[2]</sup> -  20:11, 72:16  <b>willy</b> <sup>[1]</sup> - 54:11  <b>willy-nilly</b> <sup>[1]</sup> - 54:11  <b>wish</b> <sup>[7]</sup> - 31:19,  35:23, 53:14, 60:9,  64:21  <b>witness</b> <sup>[3]</sup> - 62:11,  62:12  <b>witnesses</b> <sup>[9]</sup> - 7:8,  59:4, 59:5, 59:6,  59:7, 62:6, 62:8,  62:13, 62:25  <b>Wittler</b> <sup>[2]</sup> - 1:23,  78:18  <b>WITTLER</b> <sup>[1]</sup> - 78:5  <b>wondering</b> <sup>[2]</sup> - 12:3,  34:12  <b>word</b> <sup>[9]</sup> - 22:20, 38:1,  40:1, 43:22, 43:23,  45:5, 46:8, 47:17,  68:1  <b>wording</b> <sup>[1]</sup> - 43:25  <b>words</b> <sup>[1]</sup> - 29:7  <b>workable</b> <sup>[1]</sup> - 56:15  <b>world</b> <sup>[2]</sup> - 26:11, 34:2  <b>worms</b> <sup>[1]</sup> - 22:12  <b>worth</b> <sup>[1]</sup> - 35:2  <b>wrestled</b> <sup>[1]</sup> - 67:14  <b>writing</b> <sup>[4]</sup> - 43:16,  43:20, 46:15, 46:18  <b>written</b> <sup>[1]</sup> - 43:11</p>	<p><b>Y</b></p>
	<p><b>Yankton</b> <sup>[3]</sup> - 4:9,  4:12, 4:16  <b>year</b> <sup>[4]</sup> - 32:5, 52:16,  54:21, 73:13  <b>years</b> <sup>[12]</sup> - 9:3, 46:10,  51:15, 52:17, 52:20,  53:17, 53:23, 54:19,  61:10, 62:23, 66:5,  73:18  <b>years'</b> <sup>[1]</sup> - 53:20</p>
<p><b>X</b></p>	<p><b>Z</b></p>
<p><b>XL</b> <sup>[3]</sup> - 3:9, 3:12, 3:19</p>	<p><b>zoomed</b> <sup>[1]</sup> - 15:5</p>